

COUNCIL MEETING

APRIL 9, 2014

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Vice Chair Mason K. Chock, Sr., at the Council Chambers, 4396 Rice Street, Room 201, Līhu'e, Kaua'i, on Wednesday, April 9, 2014 at 10:11 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Mason K. Chock, Sr.
Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Mel Rapozo (*present at 10:13 a.m.*)
Honorable JoAnn A. Yukimura (*present at 10:17 a.m.*)
Honorable Jay Furfaro (*present at 10:14 a.m.*)

RICKY WATANABE, County Clerk: Vice Chair Chock, Councilmembers Rapozo and Yukimura are here in the building and Chair has stepped out for his meeting.

Mr. Chock: Chair Furfaro is on an important call, so he will be joining us a little later this morning. Can we have an approval of the agenda?

APPROVAL OF AGENDA.

Mr. Kagawa moved for approval of the agenda as circulated, seconded by Mr. Bynum, and carried by a vote of 6:0:1 (*Mr. Rapozo and Ms. Yukimura were not present, Chair Furfaro is excused*).

Mr. Chock: Thank you. Would you like to read the Public Comment portion?

(*Mr. Rapozo is noted as present in the meeting at 10:13 a.m.*)

PUBLIC COMMENT.

Pursuant to Council Rule 13(e), members of the public shall be allowed a total of eighteen (18) minutes on a first come, first served basis to speak on any agenda item. Each speaker shall be limited to three (3) minutes at the discretion of the Chair to discuss the agenda item and shall not be allowed additional time to speak during the meeting. This rule is designed to accommodate those who cannot be present throughout the meeting to speak when the agenda items are heard. After the conclusion of the eighteen (18) minutes, other members of the public shall be allowed to speak pursuant to Council Rule 12(e).

Mr. Chock: Thank you. Is there anyone in the community who would like to speak at this time? Seeing no one, we will move forward with the minutes. Can I have a motion to approve the minutes?

MINUTES of the following meeting of the Council:

February 26, 2014 Council Meeting

March 12, 2014 Public Hearing re: Bill No. 2530, Bill No. 2531, and Bill No. 2532

March 27, 2014 Special Council Meeting

Mr. Kagawa moved to approve the Minutes as circulated, seconded by Mr. Rapozo, and carried by a vote of 6:0:1 (*Ms. Yukimura was not present and Chair Furfaro was excused*).

Mr. Chock: For this morning, I think what we will do is move forward with the Consent Calendar, followed by the Hardy Street presentation, and then take up the Shoreline Setback Bill.

(*Chair Furfaro is noted as present in the meeting at 10:14 a.m.*)

CONSENT CALENDAR:

C 2014-99 Communication (03/07/2014) from the County Engineer, transmitting for Council consideration, a Resolution Amending Resolution No. 141 (1975) By Removing and Establishing School Bus Stops on Piko Road, Lāwa'i Ridge Estates, Kōloa District, to provide safer conditions for children waiting on the side of the road: Mr. Kagawa moved to receive C 2014-99 for the record, seconded by Mr. Rapozo, and unanimously carried (*Ms. Yukimura was not present*).

C 2014-100 Communication (03/07/2014) from the County Engineer, transmitting for Council consideration, a Resolution Establishing a School Bus Stop on Maule Road, Waimea District, County of Kaua'i, to benefit the many children who reside in the area: Mr. Kagawa moved to receive C 2014-100 for the record, seconded by Mr. Rapozo, and unanimously carried (*Ms. Yukimura was not present*).

C 2014-101 Communication (03/17/2014) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointees to the various Boards and Commissions for the County of Kaua'i:

1. Planning Commission

- Sean M. Mahoney (*Labor*) – Term ending 12/31/2016

2. Civil Service Commission

- Elizabeth Hahn – Term ending 12/31/2016

Mr. Kagawa moved to receive C 2014-101 for the record, seconded by Mr. Rapozo, and unanimously carried (*Ms. Yukimura was not present*).

C 2014-102 Communication (03/19/2014) from the Director of Planning, transmitting for Council information, the Six-Year Capital Improvement (CIP) Program Fiscal Year 2014/2015 - 2019/2020 Final Report, as recommended by the Planning Commission. (*Copies of Director's Report and Supplement to the Director's Report on file in the County Clerk's Office*): Mr. Kagawa moved to receive C 2014-102 for the record, seconded by Mr. Rapozo, and unanimously carried (*Ms. Yukimura was not present*).

C 2014-103 Communication (03/21/2014) from Councilmember Yukimura, transmitting for Council consideration, an amendment to the Kaua'i County Charter relating to the Code of Ethics, to allow officers or employees of the County to appear and advocate on behalf of private interests before those County Boards, Commissions, or Agencies for which they are not serving or employed: Mr. Kagawa moved to receive C 2014-103 for the record, seconded by Mr. Rapozo, and carried by a vote of 6:0:1 (*Ms. Yukimura was not present*).

C 2014-104 Communication (03/24/2014) from Councilmember Yukimura, providing written disclosure of a possible conflict of interest and recusal from C 2014-80 and Resolution No. 2014-16 on the March 27, 2014 Council Meeting Agenda, relating to authorizing the filing of the Kaua'i County 2014 Action Plan (Community Development Block Grant) with the Department of Housing and Urban Development, United States of America, for a Grant under Title I of the Housing and Urban Community Development Act of 1974 and 1987, as amended, as she is a member of the Advisory Board of the Boys & Girls Club, who is listed as a recipient of the funds from this Grant: Mr. Kagawa moved to receive C 2014-104 for the record, seconded by Mr. Rapozo, and unanimously carried (*Ms. Yukimura was not present*).

C 2014-105 Communication (03/26/2014) from the Mayor transmitting for Council consideration and confirmation, the following Mayoral appointees to the various Boards and Commissions for the County of Kaua'i:

1. Liquor Control Commission

- Jean A. Iida – Term ending 12/31/2016

2. Board of Ethics

- Ryan M. de la Pena – Term ending 12/31/2016

3. Building Board of Appeals

- Patrick D. Lizama (*Fire Safety*) – Term ending 12/31/2016

Mr. Kagawa moved to receive C 2014-105 for the record, seconded by Mr. Rapozo, and unanimously carried (*Ms. Yukimura was not present*).

Mr. Chock:

Thank you.

Mr. Watanabe:
on page 4, C 2014-110.

This item will be taken out of order and it is

There being no objections, C 2014-110 was taken out of the order.

COMMUNICATIONS:

C 2014-110 Communication (03/28/2014) from the County Engineer, requesting agenda time for the Department of Public Works, the Planning Department, and the Transportation Agency to provide the Council with an update on the plans for Hardy Street, Eiwa Street, and the surrounding area in Līhu'e: Mr. Kagawa moved to receive C 2014-110 for the record, seconded by Mr. Rapozo.

Mr. Chock: Thank you. I do want to recognize that Council Chair Furfaro is back in the meeting. Chair, would you like to take the meeting over?

Chair Furfaro: Clerk, can you show myself present for the record?

Mr. Watanabe: So noted.

Chair Furfaro: I will let Vice Chair continue for a while, so I can try to get caught up.

Mr. Chock: Okay. We are moving towards the communication from the County Engineer. I would like to call up Larry Dill and suspend the rules.

(Ms. Yukimura was noted as present in the meeting at 10:17 a.m.)

There being no objections, the rules were suspended.

LARRY DILL, P.E., County Engineer: Good morning, Vice Chair Chock and members of the Council. For the record, my name is Larry Dill, County Engineer. We appreciate your time for us this morning to give you a presentation on this topic. We have a few individual efforts happening here that actually are not individual, but are part of our larger scale plan and vision for the Līhu'e area, so we thought it was appropriate for us to come before you today to give you an update and provide any answers to any questions that you might have about what is going on with these projects. Lee will speak to a lot more of the detail, but as you are well aware, Council passed a Resolution a couple of years ago, "Complete Streets Resolution," and this is helping to fulfill the vision established by that Resolution of the Council in an effort to make our Town Core Plan area more cyclist-friendly, pedestrian-friendly, and transit-friendly while we take care of vehicular traffic issues at the time same time. One thing that will be coming up after this item, shortly on the Council agenda, within the next couple of meetings are Traffic Resolutions for both Hardy Street and 'Eiwa Street in which we will formalize some of the proposals that we are talking about to you today so that we can implement some of those measures. I also note that today we have the presentation that will be given to you by Lee Steinmetz from the Planning Department. Public Works is also here because these are all Public Works projects. Hardy Street is being managed by Doug Haigh and he is here today. We have Michael Moule, Chief of the Engineering Division. Because it is also transit related, we have the Transportation Agency here as well. The three (3) Departments/Agencies are working in concert and partnership in moving these projects forward for the betterment of our community. So having given you a broad overview, I will turn it over to Lee to give you the actual presentation.

LEE STEINMETZ, Transportation Planner: Vice Chair, Chair, and members of the Council, good morning. It is really great to be here and I appreciate having the opportunity to present this to you. My name is Lee Steinmetz and I am the Transportation Planner with the Planning Department. Before we get to where we are at today, I just want to take a moment to really talk about...

Chair Furfaro: Excuse me, Staff, can we turn down the lights please?

Mr. Steinmetz: I just want to take a moment to really talk about some of the work that has been going on for many years that has helped to formulate what we are going to be talking about today. You can see the dates of these projects and Larry mentioned the Complete Streets Resolution. I am going to go through some of these in a little bit more detail. As Larry mentioned, the Complete Streets Resolution really sets the tone for how we should be designing and implementing our street improvements. This picture here is actually not from the signing of the Complete Streets Resolution, but from another related action by the Council. I just wanted to put this here because as Larry also mentioned, this is all about partnership; not only partnership of different Departments and Agencies, but also partnership between the Administration and Council. It is thanks to those partnerships that we are moving forward and being able to present and discuss what we are doing today. I want to thank the Council for your support.

In looking at the Multi-Modal Land Transportation Plan, which we have talked about before, and again, I am not going to go into any great detail on these, but one of the significant ideas and concepts behind that plan is what we call “mode shift” and you can see how that is proposed to happen over time. The slices of the pie— “SOV” is the Single Occupancy Vehicle, by the way, and “MOA” is Multiple Occupancy Automobile. Over time, you see the portion of the pie shift slightly, while that will still be very important, but shift over to bicycle, walk, and transit. In looking at bicycle and walk, those are intended mostly to be short trips and transit to be longer trips, but in order for this to happen, we really have to be looking at our infrastructure improvements on our roads and making sure that we are designing facilities for this mode shift to actually happen. We will be talking more about that.

The real genesis for Hardy Street comes from the Līhu‘e Town Core Urban Design Plan and if you look at Hardy Street here, much of the design that we are talking about, and in fact, all of the design is really found in the Līhu‘e Town Core Urban Design Plan, including a roundabout at the intersection of Hardy and Umi Streets, which is part of the construction. These are sections that were in the Urban Design Plan for Hardy Street and we really are pretty much following the sections in terms of having travel lanes for cars, bike lanes for bicyclists, and walkways for pedestrians. That section splits in different parts of Hardy Street, closer to Kūhiō Highway where we are putting in some decorative medians as well, which also provides left-turn pockets. The design, as it is moving forward, which I am not going to go into detail on this plan, but let you know as Larry also mentioned that traffic resolutions will be coming forward to you soon and this is the Traffic Resolution attachment for Hardy Street, which you will be able to see in more detail at the time. What I do want to say is that the engineering design drawings are pretty much following the concepts that were developed in the Town Core Urban Design Plan. Another important document, which is kind of a partner to the Urban Town Core Design Plan, is the Līhu‘e Civic Center Master Plan. Again, without going into great detail, what I do want to point out is this plan really looks at creating more of a campus setting and more of a green setting that unites the Historic County Building with the Civic Center and State Building as really a green campus that is bicycle and pedestrian-friendly. You can see that the beginning implementation of this plan has already happened with the improvements that have been recently completed in our parking lots with the incorporation of landscaping and bioswales to improve drainage, and of course, Americans With Disabilities (ADA) improvements. We will talk about this a little bit more in the presentation.

What I would like to do next is talk next about 'Eiwa Street because as we go through the Hardy Street process and really go back and reflect on these things, we are rethinking the reconfiguration of 'Eiwa Street. One of the comments that we got during earlier public information meetings on for Hardy Street is a concern about congestion on Hardy, particularly in the vicinity of the roundabout. One of our thoughts was, "Well, what if as a part of a way to deal with that is if we move our bus traffic off of Hardy Street and onto 'Eiwa Street?" Now what we are proposing and I will show you a plan in a second is converting 'Eiwa Street to a one-way street, which would at least for now, would allow both buses and cars to use 'Eiwa Street. There is a travel lane, which would be one-way going from Hardy Street to Rice Street, which would be for both buses and cars. We have a lane, which is a bus turnout lane, but has also automobile parking. We then relocate our bus shelters from Hardy Street over to 'Eiwa Street so this becomes our major bus stop in the Līhu'e Town Core. Then we still would allow for bicycle and pedestrian use on 'Eiwa Street and we can do all of this within the existing right-of-way width which is quite generous on 'Eiwa Street.

What this looks like in terms of plan view is this drawing. Now we have a really nice multi-use, primarily pedestrian path along 'Eiwa. We have our bus turnout at the center with bus shelters. We have what is currently the striped side on this side of 'Eiwa Street, on the Historic County Building side which would remain for bikes and pedestrians, and we have our through travel lane. Again, this is Hardy Street on this side and Rice Street on this side, so the direction of travel would be in this direction. At the Rice Street intersection, we would allow right turns only from Hardy to Rice that works in terms of bus circulation and that really cleans up the intersection complex that we had previously at the Rice/'Eiwa intersection. Because we have the light at Umi, it really makes more sense for left turns to be at Umi instead of at 'Eiwa. Something else I want to point out is that we are reconfiguring the parking lot, so that there is now more of a kind of intersection configuration going from the Civic Center side over to the Historic County Building side. I think that will really clean up movements there. Also, in terms of the museum, we are showing this as parking, but this could also be a trolley stop. The museum used to have a trolley that they are not doing now, but if they wanted to do it again in future, there would be a space for the trolley to be able to stop which would be really convenient for people that are coming from the cruise ships up to the museum.

Because we are making these changes in relationship to Hardy Street, we have a pretty good sense, although it is not finalized, that we would be able to fund a lot of this as part of the Hardy Street improvements and get this done quickly, rather than waiting a long time. Again, this will be coming back to you in the form of a Traffic Resolution for approval. In terms of the bus shelters, you know about the islandwide bus shelter project that is going on. Those shelters have already been designed, so we are able to use the shelters that were designed for that project and put them into this project as well so we are maintaining the identity of the Kaua'i bus shelters throughout the island and using what has already been done in terms of design.

I also want to give you a heads-up that this is really for informational purposes that while we are proposing that as the configuration of 'Eiwa Street at the end of the Hardy Street project, that in between, the contractor is proposing for his traffic control to use 'Eiwa Street during construction of the roundabout because that is really going to have impacts on Umi Street traffic. As a traffic control, we will be opening the Rice/'Eiwa Street intersection and maintaining two-way traffic

on 'Eiwa only during construction. We will be allowing left turns from Rice Street onto 'Eiwa, but not left turns off of 'Eiwa onto Rice. Again, that will be to kind of simplify that intersection, but allow through traffic through the area during the construction of the roundabout.

I also want to mention some projects that are ongoing because again, as Larry mentioned, everything is kind of related to everything else and I am going to go through some of these. One that is really important is Pi'ikoi Space Planning, which I believe is on the agenda today as well. But this relates to our ultimate configuration of the Civic Center and 'Eiwa Street. What I want to mention in relationship to what I am talking about is that on the left here, we have the current former Big Save building and what has always been kind of considered as back of house, if you will, "not a really important facade," and this is facing the Historic County Building, but if you imagine in future that we do something with that space, create a new entrance, and a really nice pedestrian connection across our parking lot over to the Historic County Building— now we have really started to create a really nice pedestrian environment, that campus appearance. That is part of the Pi'ikoi Space Planning, to look at the façade of that side and we are realizing that is really important as part of that. Also, I just want to mention as part of that, we are looking at the space planning and what is going to be where and one of things that we are looking at is moving the customer service component of the Kaua'i Bus from the baseyard over to the Civic Center. So lost and found and people getting their bus passes— all of those uses can be here close to our major bus stop instead of at the bus yard and also moving the Transportation Agency Administrative Offices from the bus yard over to the Civic Center. It is just easier for us all to collaborate and have all of that here, so that is also part of the Pi'ikoi Space Planning and figure out how that might fit into that program.

Another thing that we have talked about before that is coming up really soon is the parking lot workshop. As you know, we came to you earlier to ask to receive to request technical assistance from Smart Growth America. I think you know, but I do not know if it is been officially announced that we did receive that. It is technical assistance. It is not really a grant because there is no exchange of money; it is just people coming here to help us. We have dates for that now for May 14th and 15th. We are really going to be looking at the Town Core as our focus for this, and then this of course ties into what we are talking about in terms of what is our parking demand, what is our parking supply, and how do we manage parking within our whole town core? In relation to that, there is a community workshop on the morning of May 15th. We set that in the morning because we think that might be a better time for business people within the town core area. This is also not a Council day, so Councilmembers are welcomed to join us for that if you would like. In addition to that, our public information for the Hardy Street Project is ongoing. Our next meeting is tonight at Wilcox Elementary School. Construction will be starting soon, so this is the last public information meeting before construction begins. Thank you very much. That is an overview. We are happy to answer any questions that you might have.

Mr. Chock: Thank you, Lee. I cannot wait until you do that for the whole island. Anyways, I would like to open up for questions here.
Councilmember Bynum.

Mr. Bynum: The part I am upset about to being with is that you scheduled an important public meeting on a Council day.

Mr. Steinmetz: It is the day after the Council Meeting.

Mr. Bynum: What is happening on the Council day?

Mr. Steinmetz: The meeting tonight? There is a meeting tonight.

Mr. Bynum: That too, but I thought you just announced meetings on two (2) days.

Mr. Steinmetz: Most of the parking audit is going to be internal County Staff, workshops and technical assistance. The part that is available to be open to the public is not on a Council date.

Mr. Bynum: Okay. Thank you. Please, schedule these public meetings that many Councilmembers are likely to be interested in that do not conflict. Other than that, I have been waiting for this because I heard that there was kind of a... this 'Eiwa Street has been a debate for many years. There are good arguments on both sides about keeping cars in or out. To me, this kind of splits the difference and takes the best of both worlds. I just have a couple of questions and I will look forward to seeing more detailed drawings. Right now, you said you could do this good portion of it as part of the Hardy Street because of the connections, so does that involves change orders? Does it involve redesign from what you have at Hardy Street now? Does it involve additional funds because the opportunity to do it right with this very large open contract is an opportunity? That is a question.

DOUGLAS HAIGH, Chief of Buildings: Good morning. Doug Haigh, Department of Public Works, Building Division. I guess I am the best one to address that question as a Project Manager for the Hardy Street Project. We had a meeting with the Federal Highway Administration (FHWA) and Hawai'i Department of Transportation (HDOT) earlier this week and got confirmation that they are supporting the... and we are framing this as the relocation of the bus stop from Hardy Street and ADA connections to that bus stop. They are fully supportive of this project. They are aware that we will be coming in for additional funds and it appears that at this point, they are open to it. We never know until we get our final approval that they are supporting the request. In the current Capital Improvement Project (CIP) Budget, there are three hundred thousand dollars (\$300,000) for the 'Eiwa Street area; Lihue Civic Center Site Improvements. We are planning on utilizing those funds for any additional County match that we will need. With that three hundred thousand dollars (\$300,000), there should be more than adequate matching funds based on the current estimate for the improvements for the relocation of the bus stop and the ADA connections, which the drawing that was shown in the slide, that is pretty much what we are committed to trying to get done with the Hardy Street Project.

Mr. Bynum: I just think that is a wonderful answer. Having what I have learned over the years about how these processes work— so it does involve additional funding, but it will be matched. You have identified a source for the match, the State is not putting any obstacles in our way, and the Feds are okay. That means that where I thought the bus stop was going to be... we changed that. We made a really nice pedestrian mall to there, but will that work to cross the street there or be repurposed? You will have to connect from that, I assume.

Mr. Haigh: I am not sure what your question is. Where the bus stop was, we will now have continual pedestrian facility along Hardy Street, and then with the relocation of the bus stop, we are going connect to Hardy Street to Rice Street, to the Historic County Building to Pi'ikoi Building.

Mr. Bynum: One of the things I really...

Mr. Haigh: Also, actually we have two connections to Pi'ikoi Building; one along the museum side and one coming straight across on the Hardy Street side of the Pi'ikoi Building. If we had not tied it into the Hardy Street Project, this project would have required one hundred percent (100%) County funds unless we have gotten additional bus-related grants. By tying into the Hardy Street Project, we are able to utilize eighty percent (80%) Federal funds.

Mr. Bynum: That is an opportunity and thank you for doing that. I have a couple more questions really quick. The one-way traffic flow is from here to there?

Mr. Haigh: That is correct.

Mr. Bynum: I thought you said something different. Anyway, it is kind of like splitting the difference, right? I will follow-up with this, but since the street has been closed, we have all behaved differently arriving here, including the State parking lot and you are talking about reconfiguring that, so I will have follow-up questions about how that will impact traffic. I do not want to get to that level of technical. Conceptually, I was prepared to support you closing 'Eiwa Street. That has been the issue and I have been on that side of it for many years. I much prefer this in terms of I think something that everyone can accept and addresses the concerns that have come from the community about the closing. With the no left-turn and right-turn only, it just makes a lot of sense. Thank you for the flexibility and thank you for this presentation. This is really good.

Mr. Chock: Chair Furfaro.

Chair Furfaro: Thank you, Vice Chair. The team here— I just got off of a conference call with our bond advocate in San Francisco and I am covering a few things. I did not hear the same story here about the financial impact of this, so I want to make sure that when you say "this should be more than adequate with the funds that we have," while the other one says, "we should be able to cover most of the costs associated with this plan." What do I hold your feet to the fire for?

Mr. Haigh: Okay. I think to clarify that...

Chair Furfaro: Please do.

Mr. Haigh: What we showed up on the screen is an interim plan and basically what we are doing is relocating the bus stop from Hardy Street to 'Eiwa Street and providing the ADA connections to Rice Street, Hardy Street, the Pi'ikoi Building both sides, and the Historic County Building with the landscape shared-use path strip there. We are not doing the relocation of the Transportation Office or enhancement of the connection that would come to the middle of the Pi'ikoi Building where Lee had showed the facade, the existing back of

house, which as the Pi'ikoi Building improvements proceed, we are hoping to create a more inviting elevation there and then have... it is going to be coming out of the middle of building and will be the major pedestrian connection, but that is in the future. That is not part of this project.

Chair Furfaro: Okay. I think the word was absent "for the interim plan." I did not hear that, but this is what you are telling me now.

Mr. Haigh: That is correct and I apologize. We are looking at an interim plan. Actually, our original consultants with the Lihu'e Civic Center Master Plan are the ones who have come up with this interim plan with a lot of input from Lee and our team over here. It is an interim and they are now working on the final master plan conceptual design, which would incorporate more of what I was just talking about.

Chair Furfaro: Do not misunderstand what I am saying here, both you and Lee—I think the team has done a great job, but I do not want to be fooled either, okay? Now I am clear. This will cover most of the interim plan costs. Did we transfer any balance of any funds from the Historic County Building into this temporary portion? There was a carryover balance... not very much, but I think...

Mr. Haigh: I am not exactly sure. Keith was kind of dealing with the numbers for me.

Chair Furfaro: Keith?

Mr. Haigh: Keith Suga, our CIP Manager.

Chair Furfaro: Okay.

Mr. Haigh: In the new CIP Budget, there is three hundred thousand dollars (\$300,000) for... and I forget what title he put on it. Basically, it was the Lihu'e Civic Center Site Improvements, but we are focusing in on the 'Eiwa Street connection. I am not sure what the language was, but that was the intent is that three hundred thousand dollars (\$300,000) would be the funds that we can utilize to match the additional Federal Highway funds that would be required to do the interim project.

Chair Furfaro: Okay. I probably will place a call to Keith and try to visit him on that, and if you are available, too. Then the actual completion of the plan as presented to us today; do we have an idea of the funding source? Is it CIP General Fund? Is it the next time we go before Bond Counsel? What might that number be?

Mr. Haigh: We are going to be pursuing further grants and particularly from the Transportation side because part of what we have done here is we are creating kind of this central node for the whole island.

Chair Furfaro: Right.

Mr. Haigh: So this becomes the Transportation hub. We have our Transportation Planner, who is going to be able to run with that and work with Transportation Agency and pursue— what agency is it? Federal Transit

Administration (FTA)— and pursue potential funds from FTA and the Transportation Investment Generating Economic Recovery (TIGER) grant. There are grant funding opportunities that will be pursued before we come back to the Council for actual CIP Funds.

Chair Furfaro: Let me direct this question to Lee. Lee, excuse me if I am using the bad terminology, but this creation of kind of a “central terminal” in town— you feel that we have a pretty good chance to qualify for some grants?

Mr. Steinmetz: Really, in terms of how we define that as a “central terminal.” What we are building today in terms of bus shelters and the bus turnouts— we are really seeing that as basically what we need in terms of infrastructure for the bus stop itself. When we get beyond that and think of a bigger picture— so the relocation of customer service over to Pi’ikoi, I think that is something that can be handled as part of our Civic Center renovation plans. When we get beyond that, we are really looking at a much bigger picture of what happens with Rice Street. How do we revitalize Rice Street? How do we look at parking in relationship to Convention Hall and the Civic Center? When we start looking at that bigger picture, I think we have a really good opportunity to look at TIGER grants and other major funding sources. We are starting to think about how we would position the TIGER grant to really do a major project like that. We still need to put the pieces together before we are ready to apply for that. I think there are really good grant opportunities there.

Chair Furfaro: The central office and the ability to have central ticket sales and so forth probably will be covered in the Lihū’e Civic Center renovation moneys. Could you tell me what this TIGER acronym stands for?

Mr. Steinmetz: Oh gosh. Does anybody know what “TIGER” stands for? It is “Transportation Improvement something”... it is a Federal funding program that takes Federal Transportation Agency, so all of the components of that; Federal Transportation, Federal Highways, and all of the Federal funds are together. It is a national competitive funding source that is looking for innovations in transportation and projects that are multi-modal in nature and that are difficult to fund through other fund sources. For example, we could do some of this through STIP, the State Transportation Improvement Program, but that is just roadway improvements. Some of it could possibly be funded through FTA in terms of transit, but TIGER is a way to do projects exactly like what we are talking about that also have an economic development component to them and package them as one project that is funded federally with a local match.

Chair Furfaro: Okay. I will look up that acronym, but I do want to key on one thing I did hear you say and that is a “competitive grant?”

Mr. Steinmetz: That is correct. It is a nationwide competitive grant.

Chair Furfaro: Okay. Lee and Doug, thank you very much. Thank you, Vice Chair.

Mr. Chock: Councilmember Yukimura.

Ms. Yukimura: Thank you. Very nice presentation. Can we get the 'Eiwa Street map back on? My question is about the ingress/egress points of this parking lot behind the County Building because I confess; I use it as a through street every day. I come in from Umi, and then I come through the parking lot and then come around to this parking lot. It is pretty crazy there because the ingress/egress from the Pi'ikoi Building... or the other side is offset from the two ingress/egress of this parking lot. There are people walking along. There is like about five different things going in five different directions. I want some assurance that you are going to close that off and make it hard for me to use it as a through street. To me, it is not workable and it is also using a parking lot as a through street.

Mr. Steinmetz: I think you bring up a really good point. I am asking Michael Moule to come up. Larry and Michael might want to add to this. I think this is a really good point. Really what you are talking about is this as an exit and people... like what you are saying is that you come through here and go over here to go through over to here. One of the things that I do want to mention is that 'Eiwa Street is an important connector between our parking lots over here and our parking lots over here. That is one reason that we are looking at it as a one-way for both buses and cars. That is basically what we are talking about now.

Ms. Yukimura: Right.

Mr. Steinmetz: We do need to maintain access on 'Eiwa Street over to the Historic County Building parking lot because there is no other way to get to it.

Ms. Yukimura: Right.

Mr. Steinmetz: To be honest with you, we have not looked at closing that off, but that is something that we could take a look at. I also believe—Michael, help me with this if I am wrong, but I believe we have relocated this crosswalk from this location over for that very reason so people exiting here or people exiting here have visibility of this crosswalk before they get to the crosswalk. We have made a slight relocation to that crosswalk. In terms of closing this driveway right here...

Ms. Yukimura: There are two you know.

Mr. Steinmetz: There is one in and one out, I believe. Anyway, we have not looked at that in terms of this plan or the interim traffic control plan, but that is certainly something we can look at and I will leave it to you to add anything to that.

Ms. Yukimura: I invite you to just sit at this corner and watch what happens, especially in the morning when people are coming to work because there are people walking. There are pedestrians walking along this road on this side of 'Eiwa. There are cars coming out of this parking lot and coming into this parking lot. There are cars coming out of the Pi'ikoi and into the Pi'ikoi entrance, and sometimes pedestrians on the other side also. There are a lot of things happening and it is very confusing and distracting, which is a place for accidents to happen.

Mr. Steinmetz: Doug just reminded me of something, which is important to say that in terms of our long-term plan, one thing that we are looking at is providing a connection from this parking lot over to this so that you do not have to use 'Eiwa Street anymore to access this lot. This could then be closed and become access over here, and then the only connection really that we have to make across 'Eiwa Street is that we have to get people over to this. We need to make sure that people can access the underground parking at the State Building because there is no other way to access that. Again, that will be addressed in the long-term plan.

Ms. Yukimura: Your one-way does allow cars access on 'Eiwa. I am not opposing that; in fact, I like that aspect. I think that has been issues for the public and being concerned about not allowing cars on 'Eiwa at all and I agree with that concern. I will tell you right now with this in and out, at least two in and outs right here and pedestrian access; it is not a good thing.

Mr. Steinmetz: I think we can take a look at that and see how we address it in this plan.

Ms. Yukimura: Okay. The other thing that I realized when Councilmember Bynum was talking is basically you are going to have buses and pedestrians... buses and cars coming down 'Eiwa Street, and then you are going to have pedestrians crossing. Those are the two big flows, would you say? I just need some assurance that it can work. I guess it somewhat hinges on how frequent the bus traffic is going to be, but if it is going to be a hub, there may be just bus after bus coming. We want this Historic County Building and the Pi'ikoi Building to be one campus, so you are kind of bisecting the campus as a bus throughway. If you think about our growth desires for the bus system, we have to be anticipating constant buses. That is my other question about how pedestrians are going to comfortably cross, unless you do an underground.

MICHAEL MOULE, Chief of Engineering: Michael Moule, Chief of Engineering. First, I will go back to your question about the driveway connection. We are not sure if we can do something in the short-term with closing those. They might require adding new connections. The chaos that is there now will be reduced since 'Eiwa will be just a one-way street.

Ms. Yukimura: That is true.

Mr. Moule: Right now, people can kind of go both directions and cutting from Pi'ikoi access across to the driveways back and forth and with it being one-way, it actually cleans that up a lot. For example, because of the directionality of these right now, there is no easy sort of wrong way shortcuts that people can take if you look at the drawing a little bit there. They can connect to where they want to get across 'Eiwa without going the wrong way as a one-way street because the end to the County parking lot on this side of 'Eiwa where we are now on the County Building side— this is the end; this is the out. This is the in and out, so it is not like people are going to try and go the wrong way here. If they are trying to get in here... (inaudible) turn right and left, and here they can left and right if they are trying to cross, which people will do. Getting back to your second point about pedestrian crossings, we have two designated here and we are trying to clean up the connections across from all of the County buildings over here to have a nice walkway here, connecting across here, and then also there is one here on the other side of the Pi'ikoi Building and try to make those more specific locations for

crossing, moving them a little bit from where they are to try to eliminate sort of walking along in the parking lots here to some degree, adjacent to the cars, which are moving at the same time. We are also proposing— it is not shown in this drawing, but we have also sketched... I think that it is planned to be built as part of this walkway connecting across this space between the parking lots, directly here to the County Building here. That is a piece that... it has not been draw electronically yet. We just draw it in by hand.

Ms. Yukimura: The walkway is going to be bisected by a connection between the two parking lots?

Mr. Moule: Not at this time, but it could be in the future. You are going to have pedestrians and vehicles crossing. That is the bottom line. We are trying to clean those connections up to try and make them as safe as possible. I think what we try to do here is put the crossings... for example, with this one with the transit stop; we have placed this behind where the buses will stop so that people are crossing behind the buses when they are stopped to pick people up. Your question about frequent buses— while there will be buses coming in on a regular basis, it is not going to be a situation where there are no gaps where pedestrians cannot cross and also remembering that the crossing is short; one lane. At this point, it is a little more than a lane because of the importance to pullout. You are crossing a very short distance and it takes five (5) to eight (8) seconds to walk across. I do not think there will be a significant... even if we are looking at fifteen (15) minute headways for every single route that we have, we are not talking about a bus every ten (10) seconds, which makes it impossible to find a gap. We are talking about a bus more like every half a minute or minute perhaps with all of the routes we are taking about right now and that is plenty of gaps for people to walk across the street.

Ms. Yukimura: I think your point about a shorter distance is well-taken. Right now, we are crossing not just two lanes, but actually with the shoulders, it is more than two lanes so that is going to be reduced to one lane, that is good.

Mr. Moule: This line here between the bike and pedestrian path and roadway— at this point, because of drainage issues, will still be a flush connection. There will not be a curb there. There is a curb on the other side between the parking here and bus drop and this whole walkway and shared-use path there.

Ms. Yukimura: I see your point about in terms of my first concern about the ingress/egress of this parking lot. You are still going to have left turns... you are going to minus two of the left turns.

Mr. Moule: Yes and left turns now do not have to turn across any other traffic, which is a really important aspect of this being a one-way connection.

Ms. Yukimura: Right.

Mr. Moule: It will be (inaudible) motor vehicle traffic (inaudible).

Ms. Yukimura: Okay. I see the mitigation; I am just not sure if it is going to be enough. I am thinking that if you can figure out a way to close that off, it will flow better because one will just be a parking lot and for people who have to access the County lot would turn left here onto 'Eiwa. It is more trouble.

Mr. Chock: Can I interrupt for just a second? I know there are many other questions that other Councilmembers have and while this is very important in the details that we are talking about, I am sure that we will have more discussion on it so if there are more questions that it would lead us to, I would appreciate it.

Ms. Yukimura: Thank you.

Mr. Steinmetz: If I could just add... not necessarily to respond to that question, but I just wanted to point out another example of where there are a lot of buses and a lot of pedestrians. For those of us who went to the recent conference in Denver, we saw the example of a transit mall, which went down their major commercial street and there were buses every five (5) minutes or two (2) minutes. There were busses so frequently and people also using a very heavily pedestrian-traveled street, so I think there are ways to accommodate both buses and pedestrians on a street and that is kind of what we are trying to do here... a very similar approach.

Ms. Yukimura: Thank you.

Mr. Chock: Councilmember Rapozo.

Mr. Rapozo: Thank you. Just look at Ala Moana Shopping Center, the hub down there with the buses that do not stop—it is a line of buses with the crosswalks that the shoppers have to use. It is very safe. I think the bus drivers know that there is a crosswalk. "TIGER" is a "Transportation Investment Generating Economic Recovery" and the reason I know that so well is because that is a very huge initiative with the National Association of Counties (NACo), the Transportation Subcommittee, because of funds are dwindling and we fight really hard to keep those funds along with various other transportation grant opportunities and funding opportunities. I just want to let everybody know that it is there. How long it will be there and accessible and available to us is another story, so we have to keep in mind that it is not a bottomless pit of money. There is a bottom and we are approaching the bottom. I am looking at the master plan—'Eiwa Street will remain, right? I am looking at the master plan picture and I have heard a lot of discussion about it, but as I look at the picture, I do not see the connection between Hardy and Rice. I saw the drawing and it is clearly delineated with the one lane. I can definitely live with that. I do not support closing 'Eiwa, but I can live with the one-way, right turn only. I think that helps. On this one, I do not see...

Mr. Steinmetz: You are correct that the Civic Center Master Plan, as it was drawn, did actually close 'Eiwa Street and that is one reason we wanted to do the closure as a trial and just see how that worked so that we were informed moving forward about how we wanted to address it and actually what we build in relationship to this plan. I will note that this plan showed what I think it was called "service access." The idea was that there would be something along the corridor of 'Eiwa Street that is important as a service access, but also for our parade

route, so when we do have "Lights on Rice," that there is still some way for people to get through there. What we are proposing is a diversion from this master plan, but we still think it is in keeping with the overall concept and intent, but you are correct that this plan shows a full closure of 'Eiwa Street.

Mr. Rapozo: For the public's benefit and my own, 'Eiwa will remain open, as you stated the one-way. That is the current plan?

Mr. Steinmetz: That is correct.

Mr. Rapozo: And no thoughts of going back to the original where you are going to close-off 'Eiwa?

Mr. Steinmetz: That is correct. One thing that we want to think about for the future and we are not presenting it because we really do not know yet, but we are debating whether some time in the future when we can make these parking lot connections, whether it should be bus only and not for cars, but we are just not really ready to make that determination yet. As if now, the plan is as shown.

Mr. Rapozo: Okay.

Mr. Steinmetz: If we decide that is a good idea, we will come back and discuss that further.

Mr. Rapozo: Okay. Thank you.

Mr. Chock: Councilmember Bynum.

Mr. Bynum: The length of the bus turnout here could stack how many buses? Four (4)?

Mr. Steinmetz: Yes, that is for stacking three (3) buses, but if we go to the larger buses, it would be three (3) full size buses.

Mr. Bynum: Like school bus size or bigger?

Mr. Moule: It might be a little bit tight for fitting three (3) full forty (40) feet buses in at a time, but I think we ended up with one hundred twenty (120) feet, which gets you three (3), but there is almost no space between them.

Mr. Bynum: I walk here every day, so I am very happy about some of these changes. I was really supportive of closing 'Eiwa Street completely to fully realize that campus. Did I hear during this presentation that sometime in the future, what is in red there... the old Big Save... that the entrance to that Pi'ikoi complex will be another entrance on what is currently back of the house? Yes, right there. Like the internal design— will that center section breezeway extend out to that end of the building?

Mr. Dill: Councilmember Bynum, we will be speaking about this later today when we talk about the Pi'ikoi Office and the whole Lihu'e Civic Center Plan update. A short answer is, as Lee mentioned that has always been considered kind of a "back of house," our plan is to upgrade the aesthetics of

that entrance and make it more user-friendly, so as we connect the campus between the Lihue Civic Center and the Historic County Building also with the transit hub being located out there on 'Eiwa Street, we want to make that an entrance that is more accessible and more inviting so we will have a much more upgraded entrance is the plan.

Mr. Bynum: So the answer is "yes?"

Mr. Dill: Yes.

Mr. Bynum: So the breezeway that is in the center of the building will continue and come out this side?

Mr. Dill: The breezeway— I think it is actually in this vicinity, so we would make a new connection in this vicinity.

Mr. Bynum: Okay, good. You have answered my question. The bus stacking— I regularly see three (3) buses stacked out there. I do not recall seeing four (4). If you are talking about the long buses, probably four (4) of the smaller ones would fit there, I would think. You just do not want a situation where buses are hanging out in the travel lane waiting for other buses to move. If your judgment is that it is big enough, then okay.

Mr. Moule: Our goal was to make it as least as long as the existing. We started with that and increased it a little bit based on the space that we had and maxed it out.

Mr. Bynum: In terms of the TIGER grants, that is just the way Federal funding is moved. Lee and Michael are probably in the top one hundred TIGER grant writers in the Country, so I think we have a really good shot with the new expertise that we have brought in. I know it will be embarrassing for you Lee that you did not know what "TIGER" stood for because it is part of your life; right? Anyway, thank you very much. You answered my questions.

Mr. Chock: Just as a follow-up on the grants direction. I think what we are asking for is to kind of give us an indication of your grant plan, so we can look at what the needs will be in terms of completing the project and that will be helpful as we look at the budget further. Councilmember Kagawa.

Mr. Kagawa: Thank you, Vice Chair. On the overall picture, we wanted to allow more walk-ability and other safer modes of transportation, but one of the main problems was that we needed more parking, right? The lack of parking is part of the issue for the future.

Mr. Dill: Parking is certainly one of the concerns that we look at, but lack of parking was not a main driver in this situation. We certainly want to address parking. When we did the project and upgraded the Lihue Civic Center parking lot on the Rice Street side because we were losing parking during construction when we added more parking on 'Eiwa Street, but that was always intended to be a temporary measure to accommodate parking during construction.

Mr. Kagawa: When we have all of the offices filled and move as much people that are renting into offices here, do we feel that we have sufficient parking as is?

Mr. Dill: That is something that we will be addressing with the Līhu'e Civic Center Office Space Plan, so I do not have a firm answer for you now, but that is certainly one of our concerns too.

Mr. Kagawa: As I look at the picture, there are a lot of trees that I see in the parking lots. I love greenery, but does it require planting a lot of those trees or is that just there for now? Do we foresee planting a lot of those trees? I do not see a lot of trees in the parking lot now.

Mr. Dill: If you take a look at the parking lot on the Rice Street side of the new project, there are a number of trees that we added to the parking lot, so our intent as Lee mentioned, is to improve the aesthetics of this area and make it a more desirable place to be walking about instead of just a concrete jungle. You will see more trees in our proposal and you will see it as part of the Hardy Street project.

Mr. Kagawa: My question is does those trees and the areas that you need to plant those trees; do they take away from parking stalls?

Mr. Dill: Somewhat, but not significantly.

Mr. Kagawa: Because to me, if parking is going to be a problem, then even though we love greenery, sometimes eliminating those areas for planters or what have you will add more parking. I just want you guys to be considerate of what the goal is of improving everything. I do not want us to do something and say, "Wow, we do not have enough parking now."

Mr. Dill: Absolutely. I agree Councilmember. I should mention too, that is the purpose behind the parking audit that is coming up in May that will address a lot of these issues that you are concerned about.

Mr. Kagawa: In the end, if we are going to have this as office space, then why are we renting facilities right across the street for a lot of money when we can have I guess free rent with the County facility? Moving those offices, of course, requires additional parking and parking for customers, too. My second comment is regarding 'Eiwa Street. I, for one, along with Councilmember Rapozo have always opposed closing 'Eiwa Street because we foresaw the left-turn congestion on Umi Street. Congratulations to you guys because you guys did the left-turn light and it really helped a lot. I am yet to really determine whether the full picture is seeing that because there is so much traffic down there on that bridge that they are fixing. It is going to be for a while, probably one a year or two more, but once that clears up, I think then we will get the full picture as to how much congestion is happening here. Right now, there are complaints and concerns and that is why I am most concerned because of the left-turn ability and how will that congest down the line. As much as I want everybody to ride the bus, just look at Honolulu. They have a good bus system there for people in 'Ewa and Mililani, but most people still drive to work in Honolulu and drive to the University of Hawai'i at Mānoa to go to school. Hopefully we will maybe improve on their numbers with our system. That is why this traffic has not gotten better and we have to see how rapid transit will help. I am happy that we are going to open it up here for our workers to get out because I have heard from a lot of employees that people are taking a lot of shortcuts here and there and I think that is even more dangerous than having 'Eiwa open. I think that right-turn lane will help, and I do not know if you guys

agree with that, and at least for right turns, will help our employees and the State employees get around. My last comment is that I hope that as we move along that we will continue to be open to actual situations. I think that is why 'Eiwa Street was intended to be closed, but now that we have moved into this phase, we will see to try using that a bus lane and using that for right turns. I hope that we keep that open-mindedness because I think if we do not adjust, that is when the big mistake will be made where we spend all of the money, do it one way, and say, "We should have done this because here is the traffic here." I thank you guys and I continue to support you guys. I think having walkability around our hub is an excellent idea. Thank you for your work.

Mr. Chock: Thank you. We have had some good questions and discussion already. Are there any more questions for the gentlemen?

Ms. Yukimura: I have one question. I am sorry— I missed the first part. On the intersection of Rice and 'Eiwa, which will be one-way, two lanes... going to be one-lane? Okay, so one-lane and both car and bus, and right-turn only at Rice.

Mr. Moule: That is correct. Yes.

Ms. Yukimura: Okay, then I got it. Thank you.

Mr. Chock: You have more questions from Council Chair.

Chair Furfaro: Rather than talk about "small bus" and "big bus," can we reference the fourteen (14) passenger and the thirty-three (33) passenger? In your planning of this, have you checked with Transportation to see that in their vision going forward, if there are larger buses than the thirty-three (33) passengers plan to be in our bus system.

CELIA M. MAHIKOA, Executive on Transportation: Good morning, Chair. Celia Mahikoa with the County Transportation Agency. In response to your question, yes, we have been in very extensive discussion with Lee, Michael, Larry, and the team about including the future plans for our buses. We are constrained, of course, as you can see by driveways and such with that. At the same time, we are looking into what the transit needs are based on the current demand and projected future demand, as well as what Kaua'i's roads can accommodate now and in the future. As far as maneuverability, we are planning on looking into the larger transit buses but right now, we are just at a point where we are trying to research and determine whether or not it would be an effective way to transport the public here on Kaua'i. Some of our areas are a little more difficult to access and maneuver around. As far as this location goes, because of the flexibility of being able to pull in two (2) or three (3) at any point, if we are operating the larger thirty-five (35) to forty (40) feet vehicles, needless to say we would be able to only fit two (2) of them there, the forty (40) footers, versus what we have right now, which we would be able to accommodate three (3) which is what people observe here happening now on Hardy Street right now with the existing bus stop. We believe it would serve well, the needs of the Agency, for now and in the future.

Chair Furfaro: So the Agency has no future plans for any type of larger fifty-four (54) passenger express buses that come directly in from Waimea or directly in from Hanalei, and only have three (3) or four (4) stops along

the way like Mākaha to Ala Moana Shopping Center? They only stop at four or five places. You do not envision an express and larger-capacity bus?

Ms. Mahikoa: Actually, what we implement is typically driven by the existing demand or somewhat projected demand in the near future. Right now, we do have express buses that stop just at the park-and-ride locations, so we do have them. We usually operate them with our thirty-one (31) or thirty-three (33) passenger vehicles. With that, if the demand would dictate, we would look at maybe not going with the full-sized transit buses, but one that would accommodate the demand for that population coming in at those peak commute times that would need service at these locations. Yes, we do look at "that would be the most efficient way of transporting individuals who are commuting and able to utilize express bus service."

Chair Furfaro: Obviously, for our most rural communities that want to come in from Hanalei to Līhu'e or Waimea. Right now, the thirty-three (33) passengers are the express system and there is no five (5) year plan that says we will have bigger buses?

Ms. Mahikoa: Actually, we believe within five (5) years that we will need to use...

Chair Furfaro: My question is for the Engineers. How does that line up with the shelter service?

Mr. Moule: One of the things that we have talked about and could potentially... it is going to be hard for you to turn and look, but if you look at the plan that is on the screen right now, this is where we are currently suggesting throwing the bus area, but this parking area, which I think is five spaces, could be converted to bus drop off at a future date, relatively easily. You could get two (2) buses in here and three (3) in here, and that could add capacity to the point that we get our transit service to a point where we need to add capacity to this transit essentially.

Chair Furfaro: So that will dictate what gets planted over there. We do not want anything with deep roots, right?

Mr. Moule: That is a good point. We can look at that with respect to our drawings and landscaping. Obviously, you can take out something and put concrete in if you had to at a later date as well. It all depends on the timing of all of this and I think we need to work that out.

Chair Furfaro: Thank you both for those answers. As long as I know it is in the plan because when I am much older, I would like to be on an express bus from Hanalei.

Mr. Chock: Are there any further questions, Councilmembers? Seeing none, I want to thank you folks for your expertise, care, and continued vision on this project. We will call this meeting back to order. Councilmembers, is there any further discussion on this item?

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Kagawa: I want to thank the team of all of you for all of your work on this. You have to have the future in mind and where we are going to be in the future to support a plan like this. You guys are having that vision, so I thank you guys for looking forward. I, too, look forward to the day when we can have the bus service meet all of the needs out there because surely, gas prices are not going to come down in the future. It will be a cheaper way of getting less people on the roads. I appreciate Celia's comments about getting the data before we expand. There are people that call me and say, "Why do we not have buses leave early in the morning from Kekaha so I can get to work every day?" There are single requests coming out, but I think Celia is trying to take in all of that information and seeing what the need is. We cannot have a bus go out there and pick up one (1) person and that is just the reality of government. We need to be realistic when we service. Hopefully, we will have the day when everybody who can ride the bus will have a means, but we are still in our early stages. I have some ideas going forward in the future years if I am still here about how we can fund the bus more sustainably. Again, thank you for your work and thank you for adjusting as we need to adjust. Like I said earlier, there are things like the trees that although they may be beautiful, it may not be right for the needs if parking is the main objective. We can have some trees in the parking lot. Again, that willingness to adjust to the demands out there is critical so thank you.

Mr. Chock: Further discussion? Councilmember Yukimura.

Ms. Yukimura: The presentation that we got this morning is evidence of the great team that we have working on these issues and it excites me because it just shows the vision that is moving us forward. The idea that people could use the bus to come to work every day, use it conveniently, and still keep the other options for people is a really exciting thought. As Councilmember Kagawa pointed out, the price of gas is going up so more and more people will need to use the bus instead of their cars. It really is planning for a more workable community and a more resilient community. Thank you very much.

Mr. Chock: Is there any further discussion here? If not, thank you and let us go to our next item.

The motion to receive C 2014-110 for the record was then put, and unanimously carried.

Mr. Chock: I got word that we are moving the Shoreline Setback Bill to 1:30 p.m., so we will be continuing with our schedule.

Chair Furfaro: We have three (3) public hearings at 1:30 p.m., but they will all be relatively short, and then we will go right in to the Shoreline Setback.

Mr. Watanabe: Okay.

C 2014-106 Communication (01/27/2014) from Council Chair Furfaro, requesting the presence of the Department of Public Works to provide the Council with an update on the Comprehensive Space Plan and Needs Assessment Report. This briefing will include, but not be limited to, discussions on the plans for the space previously occupied by Big Save, Inc.

Mr. Chock: Thank you very much. This communication was requested by Council Chair Furfaro. May I ask Larry Dill to come up?

Mr. Kagawa moved to receive C 2014-106 for the record, seconded by Ms. Yukimura.

Mr. Chock: Thank you. Larry, I will suspend the rules.

There being no objections, the rules were suspended.

Mr. Dill: For the record, Larry Dill, County Engineer. As you know, this project has been actually on the books for some time now. The scope of the project is to update the office space plan that was done a few years ago and we have moved forward with that office space plan with the implementation. For instance, the Fire Department's spaces has moved over to Pi'ikoi. We felt it was appropriate to update that plan. In the previous plan that was done, one of the significant factors in there was that we identified that there was a shortage of storage space available to the County. I have identified it in the neighborhood of about twenty thousand (20,000) square feet of storage that was necessary, so if you may recall, we actually budgeted in the CIP Budget a few years ago. I believe it was two million dollars (\$2,000,000) to acquire and develop off-site storage space. Subsequent to that time, as you are aware, the Big Save space became available and I forget the exact square footage of the Big Save space, but it came close to meeting that twenty thousand (20,000) square foot demand requirement. That being the case, we reallocated or the Council approved the reallocation of those funds to be budgeted elsewhere. We also felt it was appropriate with a whole bunch of new space that we could take advantage of to update the office space plan that had been done a few years ago.

Subsequent to that, as the Council is aware of, another proposal came forward for the possible use of that Big Save space. I will call it the food hub proposal. In that food hub proposal, it went through some feasibility study analysis and had some issues with resources. Unfortunately, it took a while to resolve and it held up the planning work for us because we did not know if that space would be available to us or not. Finally, that issue has resolved itself and the food hub proposal, as far the Līhu'e Civic Center is concerned, is not moving forward so that is not part of the scope. So that being the case, we can move forward with the office space place update. We finalized the scope with the consultant and we anticipate issuing a "Notice to Proceed" approximately June 1st for that and to move forward. A part of that effort will be to update all of the information for all of the Departments Countywide and all of the office space demands will be placed upon the Līhu'e Civic Center. They will be interviewing each Department and looking at their needs going forward. I apologize because I forgot the planning horizon that they are using. You may recall that the planning horizon was fairly short and I was surprised to see it in the space plan that it had been done before, so it is a longer timeframe. We are going to address those needs, as well as the storage space. There are a couple of other items that we are looking at incorporating into the space to have available to us now and as I mentioned in the previous presentation, we are looking at moving the Transportation Agency over to the Līhu'e Civic Center. That should be a much better location for its work with other County Agencies that it coordinates with, but also in serving the public that is going to be using their services. We are also looking at incorporating a small retail space in the area over at Big Save. I believe the plan right now is defining that plan to provide retail space for some "Kaua'i Made," local products. That is the goal for that space.

Having updated that Space Plan Needs Assessment for all the various County offices and departments— the next phase will be that we thought... we originally had proposed in there based on identification of the highest priority agencies and offices; the Solid Waste Division of the Department of Public Works and the Wastewater Division of the Department of Public Works. You may of course know that the Wastewater Division is occupying right now what is intended to be a conference room space along the breezeway in the Kapule Building. The Solid Waste Division has a great lack of space. Last year, the Council approved the additional funding so we could also identify that the Planning Department has been limited to three prioritized office spaces. The Notice to Proceed in June, three hundred sixty-five (365) day contract time, and we should have the Needs Assessment done, as well as construction drawings for all three those office spaces. Then of course the challenge will be moving forward for funding of the construction of those. You will be seeing that in the future budget requests. That is my update. I would be happy to entertain any questions.

Mr. Chock:

Thank you for your update.

Chair Furfaro: I want to keep the update short, Larry. We identified those three, but we also identified but we identified a fourth division that as far as I am concerned, costs us serious money. The space plan needs to interview the Auditor's Department. I pay thirty-four thousand dollars (\$34,000) a year in the Council budget to have him across the street. The space might be tight for a few others right now, but they are not contributing to a negative cash flow. The Auditor's Department needs to be on that interview list and/or the Kaua'i Historical Society needs to be resolved to be going somewhere so that I can put the Auditor in this building so the division that he reports to. I did not hear the Auditor as one of the people being interviewed. May I ask if you would at least get them on the list?

Mr. Dill: Yes. Council Chair, we will be looking at all the County Departments, including the Auditor, as having updating all of their office space needs requirements.

Chair Furfaro:

What other County offices cost us cash?

Mr. Dill:

I am not aware of any.

Chair Furfaro:
Thanks. Thank you, Vice Chair.

So it is just the Auditor that is cash.

Mr. Chock:

Councilmember Bynum.

Mr. Bynum: Thank you. I am not going to get into a lot of detail. There are so many competing needs here. Good luck with this, but I am glad that we are doing the endeavor. Could you come back in a minute?

Mr. Chock:

Councilmember Yukimura.

Ms. Yukimura: Thank you for your report, Larry. It sounds like it is moving in the right direction. Thank you for looking at a longer time span. It is crazy to just do short time span when you are thinking of space. I presume that in working on the storage space that you will be interfacing with our Information Technology (IT) project on how we are archiving electronically our files and so forth so that we are having those two coordinated.

Mr. Dill:

Yes.

Ms. Yukimura: Okay. I am delighted that the Transportation Agency will be moving back. I think Celia will testify to how much time it takes for her to come to meetings here and so forth, then being able to just walk across. That is a really good move in my mind. With respect to the small retail, the idea of limiting it to Kaua'i products or Kaua'i products being the major feature, to me, will not address the major need for retail here. The elderly in the elderly housing here behind McDonald's and next to the hospital... the village...

Mr. Dill:

Sun Village.

Ms. Yukimura: Yes, and Līhu'e Courts and all of the Rice Street residents deeply miss Big Save as a grocery retail. That is what is missing from this core area. Even if you have a convenience store of the type that is in Lāwā'i or elsewhere where you can buy milk and those kind of things; to me, there is a greater need for that than for a Kaua'i products center. I ask that you look into that with that in mind because I have gotten stories from everywhere, including myself, who lives down in Kupolo. It is much easier to get here than to get to the shopping center, so you would kindly look at that. How much are we going to spend on this space study?

Mr. Haigh: I do not have the actual breakdown between design costs and the study. The total contract is in the eight hundred thousand dollar (\$800,000) range.

Ms. Yukimura:

I hope that includes design of offices as well.

Mr. Haigh: Yes, and it also includes building optimization energy use, which looks at the entire Civic Center because we cannot really design the new part appropriately and most efficiently without really take a look at our energy use for the entire Civic Center so that our centralized air conditioning system is right-sized. We are adding that into the contract too as a comprehensive study.

Ms. Yukimura: offices?

You are going to go down to the design of the

Mr. Haigh: Larry mentioned.

The offices of the three (3) agencies that

Chair Furfaro:

Am I off the list again?

Mr. Haigh: The current contract is as Larry had which does not include an office space designed for the Auditor.

Chair Furfaro: I am sorry, but this is my item. I need to have some cooperation here for the Auditor. Two (2) years— that is sixty-eight thousand dollars (\$68,000). This is cash. Please see if I can get on the list.

Ms. Yukimura: I think the Chair makes a really good point. I am beginning to understand the amount that is set aside because of the energy issues and so forth. I commend that you are looking at all of that. I do not want

you to look at that after we have all of the offices built, and then try to retrofit the energy system to something that we should have looked at in the beginning, so I am glad that you are doing that. Something that will enable us quickly to construction once we get the space thing figured out is also a good idea. I remember it was Dottie (inaudible) who did that for the whole building prior to that working with our architects. How much did we spend on the past space study?

Mr. Dill: I am sorry— we do not have the answer to that question. I would have to get back to you.

Ms. Yukimura: Okay. I want that question sent out because my opinion, off the top of my head, is that I do not think we did that kind of breadth of thinking in commissioning that first study and now we have to kind of do it over again. But I am glad that we are doing it right this time. It feels right, so thank you very much.

Mr. Haigh: We do have the specific answer on the current space study. It is approximately two hundred thousand dollars (\$200,000) to update the current space study.

Ms. Yukimura: Okay, so that is one million dollars (\$1,000,000).

Mr. Haigh: No, that is part of the eight hundred thousand dollars (\$800,000). I did remember the total contract, but I forget exactly how it was broken up.

Ms. Yukimura: So we are looking at six hundred thousand dollars (\$600,000)? You are using the same consultants?

Mr. Haigh: Specifically, we are looking to give you the rough numbers of approximately two hundred thousand dollars (\$200,000) for a space study; approximately four hundred thousand dollars (\$400,000) for the actual design costs for Solid Waste, Wastewater, and the Planning Department; and approximately one hundred thirty thousand dollars (\$130,000) to do the Building Optimization Study.

Ms. Yukimura: What was that again? Building Optimization?

Mr. Haigh: Yes.

Ms. Yukimura: How much?

Mr. Haigh: Approximately one hundred thirty thousand dollars (\$130,000).

Ms. Yukimura: One hundred forty thousand dollars (\$140,000)?

Mr. Haigh: One hundred thirty thousand dollars (\$130,000).

Ms. Yukimura: Okay.

Mr. Haigh: We also have approximately one hundred thousand dollars (\$100,000) worth of services during construction, which includes comprehensive commissioning services and that is why we are seeing higher costs in our traditional services.

Ms. Yukimura: That indicates to me that you really want to really go to the action building part of it. That is good. The rule of thumb is design and so forth is about what percentage of total construction costs? So we are looking at a ballpark construction cost of?

Mr. Haigh: Approximately five million dollars (\$5,000,000).

Ms. Yukimura: For three (3) offices and the energy systems?

Mr. Haigh: Yes.

Ms. Yukimura: Five million dollars (\$5,000,000)...

Mr. Haigh: It used to be five percent (5%), but now days it is more like between ten percent (10%) to twelve percent (12%) is your design cost to construction cost is what I have been seeing.

Ms. Yukimura: Okay, but energy efficiency, environmental air quality, and all of those things will be taken into account?

Mr. Haigh: That is correct. The five million dollars (\$5,000,000) is the renovation of those three (3) office spaces.

Ms. Yukimura: Right. Thank you.

Mr. Bynum: Thank you. I want to concur with the Chair about the need to address the Historical Society and the Auditor. My reasonings are a little different. I believe that Council Services Staff will expand over the coming years as a sophistication of our operation does and we are going to need more space. I am also going to say what I believe that the space in the building next to us is not utilized efficiently and I wish that would be looked at, and that will make other people unhappy that I said that. Council Services is going to need more space. The Historical Society, in my opinion, deserves an accommodation from the County. Those are just the big pictures. Regarding retail was the main thing that I wanted to talk about. How many square feet do we have left to develop over there if you could just give me a rough, ballpark number?

Mr. Haigh: If you include expanding the mezzanine area, I think you have fifteen thousand (15,000) to twenty thousand (20,000) of potential...

Mr. Bynum: We acquired that space like twenty-five (25) years ago or something like that?

Mr. Haigh: Excuse me?

Mr. Bynum: Did we acquire that space twenty-five (25) years ago?

Mr. Haigh: Yes.

Mr. Bynum: How many square feet?

Mr. Haigh: My rough guess is fifteen thousand (15,000) to twenty thousand (20,000) square feet.

Mr. Bynum: So fifteen thousand (15,000) to twenty thousand (20,000) square feet of retail space in the heart of town that has generated zero revenue for twenty (20) years. Anyway, this is the point that Kaipo used to make when I came on the Council, and I agreed with him the entire time that there is no way that we can move too quickly on completing that space because any business person knows that you do not let an asset sit there for that long and not being utilized in any way. I am totally in support. I have said repeatedly that we need small neighborhood commercial— how many County employees are on this campus? How many? Nobody knows. Several hundred people at least, right? So several hundred people that leave this campus everyday that can no longer get the bread and milk, so they have to drive to a different store and go on a different parking lot, on a different highway. There is that neighborhood retail to get bread, milk, the beer for the weekend, and charcoal— we all use Big Save all the time and probably eighty percent (80%) of their customers were six (6), eight (8), to ten (10) items. Not many people did the weekly shopping. I feel very strongly that we need to accommodate that in this town core. I have heard arguments of, “Well, anybody can do that. Any entrepreneur can rent something and open it.” Well, they are not. Anyway, I feel really strong about that issue and I agree with Councilmember Yukimura to please have some neighborhood commercial retail that has those daily sundries that will cut down your vehicle miles, which is so critical to us in this County. As you pointed out before, we have to make the mode shift and the mode shift is also about this kind of thing. Thank you.

Mr. Chock: Further questions? Seeing none, thank you. Thank you for your update. Is there public testimony on this item? Seeing none, I will call this meeting back to order. Any further discussion?

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Rapozo: I just have one quick comment. I think, as the Chair stated about the Auditor’s Office, that should be the number one priority. If there is any outlay of County money, that should supersede the space need of an office. That is just the way it is. We should not be paying any outside rent when we have fifteen thousand (15,000) to twenty thousand (20,000) square feet of County building area. I am not sure how far along the space study is, but I definitely support that we put that in as soon as possible. Thank you.

Mr. Chock: Thank you. I think the message is clear. Can we get a response on that? It is just good management, especially given our financial scenario. Councilmember Kagawa, do you have a question?

Mr. Kagawa: Again, just to echo Councilmember Rapozo, we only pay rent for one (1) agency. Let us eliminate that cost because we have the

space. I know it is down the line, but please if you could reconsider, I would really appreciate it. It makes sense that we eliminate the rent and it is not like that location allows the Auditor Office to do a better job; it is just right across the street. If we could do that, I would really appreciate it. I realize that other agencies are squashed also, but I think we have to prioritize what is first. To me, the Auditor is a strong number one. Thank you.

Mr. Chock: Thank you. It is a lot of money that we are talking about to consider storage space with some outstanding bills that we have that we can get rid of. I am looking forward to an update on that and I am sure that we will see it back on the agenda in future. Thank you for your work. Did you have something to say?

Ms. Yukimura: Yes. I have two things. What I heard this morning represents good planning and I appreciate it very much. I think if you include and figure out the issues with the Auditor, that will make it perfect.

Mr. Chock: Thank you.

The motion to receive C 2014-106 was then put, and unanimously carried.

C 2014-107 Communication (03/15/2014) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend grant funds in the amount of approximately \$950,000 for a thirty-six (36) month period from the United States Department of Education for the Native Hawaiian Education Program to fund a special program designed for at-risk children and youth and their families, to address the needs of under-employment, introduce Hawaiian language instruction, to assist in improving high school graduation rates and to help them to become sustainable in the Kaua'i community, and related goals: Mr. Bynum moved to approve C 2014-107, seconded by Mr. Kagawa.

Mr. Chock: It is always good to see that we have funding to support good needs here. My hope is that when we look at this program and not only is the outreach necessary, but is utilized as efficiently as possible. I am looking forward to the presentation and I will suspend the rules for you folks to continue with it.

There being no objections, the rules were suspended.

GEORGE K. COSTA, Director of Economic Development: *Aloha.*
Thank you, Vice Chair Chock and Honorable Councilmembers. For the record, George Costa, Director for the Office of Economic Development (OED). I am here with Ka'eo Bradford, who is our Workforce Development Coordinator. Today, we have a great opportunity and we are here to ask for approval to apply for this Native Hawaiian Education Program (NHEP) grant through the Department of Education (DOE). You may or may not realize that we rely on funding every year from the Department of Labor, State of Hawai'i, which receives a Federal grant from the Workforce Investment Act (WIA). Each year, at least from what I have been tracking over the last ten (10) years, those Federal funds have been reduced over time, so it would be prudent for us to look at other sources of funding to help these very important programs. I have to commend Ka'eo Bradford and Leialoha Sanchez, who is the Chairman of our Youth Council Services with the Workforce Investment Board (WIB) who looked at this grant and have taken the initiative to apply for this very important grant. What I am going to do now is turn it over to

Ka'eo so she can walk you through the grant itself and some of the opportunities that it will provide.

KA'EO BRADFORD, WIA Administrator: My name is Ka'eo Bradford and I am with the Office Economic Development and I am the WIA Administrator. I oversee the WIA grant that is given to us by the Department of Labor. To make a short summary of it, we are here to apply for this Federal grant and we are asking permission to do it. We all know how tight funding is right now and a lot of our private and nonprofit agencies in the community are all suffering because they are taking a cut in everything too. We are looking at this grant to help supplement our program that we have currently. What we want to do is to enhance the types of services that we already have to promote career development, job preparation, and work readiness for not only youth, but also adults in the community. There is a whole bunch of eligibility information in there about applying for this grant. Basically, that is where we are right now. We are in the process of filling out the application. The application is not due until April 21st, so we do have time to continue with all of the components of the grant. The most important part about these eligibility criteria is the priorities for this grant. It is not there, but I am going to go ahead and read it to you.

The first priority is needs of at-risk children and youth in the community. The second one is looking at Native Hawaiian underemployed. The third one is about Hawaiian language integration. The fourth priority is beginning reading and literacy as part of the program, improving early learning outcomes, and the last most important is improving achievements and high school graduation rates, which is what we pretty much do as part of our youth services program already. These are some of the priorities that they list as part of the grant application. It is really, really important for us as community, public servants, to really go deep into what our community needs. I am looking at an area where we currently serve ninety-five percent (95%) of the people that we serve now are Native Hawaiian in our programs, so that is why we decided to go with this Native Hawaiian education grant and promote career preparation, career development, and job readiness. That is where we are here.

Other activities— if you look at the abstract that I wrote. The funding that is available that we are applying for is nine million dollars (\$9,000,000) total available for the funding. It is a three (3) year grant and they are looking to give out at least twenty-two (22) awards for this. We are looking at applying a portion for that. Our abstract that I wrote up for this grant... this is our abstract that says, "Our major focus for the project is on employment preparation skills training and education for our youth in the community. With community involvement through our service provider agencies and organizations, we intend to spark new community awareness on various services provided by our One-Stop Career Center and other private nonprofit agencies and organizations." We also address the critical gaps that State of Hawai'i is facing in job readiness, especially in the stem areas by providing needed work experiences and internships with businesses in the community. We believe that America's future depends on its ability to prepare our workforce to succeed in the 21st century and be a vital part of that innovative economy by advancing the most effective models and practices our education and workforce reform efforts promote education to employment pathways for future vitality of our island economy. As active shareholders in the community, the County of Kaua'i, and the Kaua'i Workforce Investment Board intends to supplement and address those needs by reconnecting with the community through alternative education methodologies, language components, and specialized supplemental Native

Hawaiian cultural activities and workshops for family members and their elders will help build pride and responsibility in the community. Health and fitness activities will also be introduced to bring *pono* and balance to family life and living in our island communities. These types of holistic, cultural education had been reserved for only educational institutions in the past.

The applicable priorities are: number one, employer outreach. Both the County of Kaua'i and our KWIB to seek a full-time coordinator to work in collaboration with all service providers in our community to oversee the project activities, write reports, and other related duties. The coordinator will promote Career Center One-Stop services, do presentations, and disseminate labor market information that results in more data collection and outreach for employers. The number two priority is our community outreach and labor pool expansion. Service providers will be identified and contracted to recruit various age groups while ongoing education and training opportunities to enhance work readiness and soft skills. Information on various cultural styles of learning will be addressed and implemented as part of the project. Monitoring, reviews, and assessment is another priority. The County of Kaua'i, Office of Economic Development, and KWIB will provide the professional oversight of the program through monitoring quarterly reviewing, surveying, and assessments of all events and activities provided by this program. Reports will be presented by the coordinator on a quarterly basis with a final report and data analysis at the end. Informational data collected will aid employers and the One-Stop Career Center in building a database for potential candidates in those specific industries, thus helping to make this project more sustainable.

These are other project outcomes that we are anticipating: capacity building through community collaboration; providing supplemental employment and services; providing supplemental academic education services with mentoring, internships, and work experiences; closing the skill gaps; increasing client participation by ten percent (10%) yearly; understanding and integrating the use of traditional cultural practices in today's contemporary workforce; and the last one is collection of industry-related future data for industry use. We intend to serve two (2) rural sites, which is the island of Kaua'i and the island of Ni'ihau. We anticipate serving Native Hawaiians from both rural areas with the available supplemental services and activities. This is our budget for the program, including one (1) full-time coordinator with benefits, some travel, some equipment and supplies, contractual services, and also some training stipend funds. Contractual services—we do have people that have already agreed to work with our program, including Big Brothers Big Sisters, the Housing and Urban Development (HUD) Housing Office; people that are already with our KWIB that are looking forward to already working with the youth, but need to enhance their services like Alu Like. Those are our strong points for this particular grant. The total cost for this grant that we are applying for is nine hundred fifty thousand dollars (\$950,000). That is what we have to present and we hope that you can give us approval to apply for this grant. We would like to turn our application in at least one (1) week before it is due and it is due on the 21st of April. As soon as we do that, we can also send you a copy of that.

Mr. Chock: Thank you so much for being proactive in the need. At one time, I was the Executive Director of the Native Hawaiian Education Association and the need for this specific targeted population is so incredible in terms of just building their skills and connecting them to the future employment. I applaud you and thank you for that. I do have a few questions and I will pass it on

also to other members. The first is in terms of timeline. So you apply in April and at what time would you get notification? When would you look towards disseminating services? Do you have a timeline?

Ms. Bradford: They have not given us a timeline.

Mr. Chock: We will probably get that when you start to write the grant and so forth. The other question that I had was from where you folks are now in terms of planning, how many community outreach programs are you intending to work with? Do you have a list?

Ms. Bradford: We do have a list of about seven (7) interested agencies.

Mr. Chock: Okay, so this budget and this funding would affect seven (7) other agencies that would be contributors to the services?

Ms. Bradford: Right. So depending on how much the needs are for each one would fluctuate. If you look at the budget, there is about one hundred sixty-nine thousand dollars (\$169,000) in there. On the average, I am thinking anywhere from five thousand dollars (\$5,000) to twenty-five thousand dollars (\$25,000).

Mr. Chock: Okay and that answers my contractual services question. I was wondering what exactly that was. Is Kaua'i Community College (KCC) on the list? They would seem appropriate to...

Ms. Bradford: KCC is one of our KWIB members too and they would be part of the support services, as well as the McKinley Community School for Adults.

Mr. Chock: Okay. Thank you. I do not see why we would not be supportive of trying to get you folks moving forward. The only other question I would have is about sustainability of these programs; they kind of "come and go." They sometimes serve as "band aids," so I would look towards some sustainability in that grant proposal. I will open it up for questions now.

Mr. Hooser: Thank you. I just have a brief question. I appreciate your presentation. Recently, we had the residents of Ni'ihau here talking about this feeling that perhaps the County of Kaua'i does not provide services. They pay property taxes and they are part of our community, but what are we actually doing for them, so I was happy to see that you included them in your presentation. Have you reached out to them already? What plans or ideas do you have about incorporating the population of Ni'ihau into this program?

Ms. Bradford: Well, the education system that they work with is on Kaua'i here. We work with a lot of Ni'ihauan families that already live in the west side areas of the island. The connection with the DOE is that the DOE is also part of our workforce board. It is not unreachable to work with Bill Arakaki. I understand that he helps with the school on Ni'ihau too, so that is one of our connections with this program and support from all of the educational agencies. They are all part of our workforce board.

Mr. Hooser:
out to the people over there?

So it is definitely on your list then to reach

Ms. Bradford:

Exactly, yes.

Mr. Hooser:

Thank you very much.

Mr. Chock:

Councilmember Bynum.

Mr. Bynum:
So this would be a program, should we succeed, that would start up and last for three (3) years. Correct?

Thank you very much for this presentation.

Ms. Bradford:

Correct.

Mr. Bynum:

There would be one (1) employee who is...

Ms. Bradford:

Full-time and dedicated...

Mr. Bynum:

Where will they be housed? At OED?

Mr. Costa:

I am not sure.

Mr. Bynum:
the three (3) years that they are involved?

Would that person be a County employee for

Mr. Costa:
employee. We have not gotten that far, as far that determination whether it is a County employee or subcontractor with the Kaua'i Workforce Investment Board.

I do not on the anticipate it being a County

Mr. Bynum:
the community related to these goals and objectives. Correct?

This program is likely to do small grants in

Mr. Costa:

Right.

Ms. Bradford:

Yes.

Mr. Bynum:
well?

Are you working with charter schools as

Ms. Bradford:
the ones in Kekaha especially. There are two (2) of them there, Kawaikini, and the one in Anahola.

Yes, we do. We work with charter schools,

Mr. Bynum:
questions that I was concerned about and I would be very interested to get future updates as this unfolds because there is a tremendous need and potential. Thank you very much.

Councilmember Chock asked the primary

Ms. Bradford:

You are welcome.

Mr. Chock:

Are there any further questions?

Chair Furfaro: George, is this grant for three (3) years? Nine hundred fifty thousand dollars (\$950,000)?

Mr. Costa: Right. That is the request that we are putting in.

Chair Furfaro: So it is three hundred sixteen thousand dollars (\$316,000) per year?

Mr. Costa: Right.

Chair Furfaro: What are net expenses to cover the Administration whether it is the Workforce Development Board or the Office of Economic Development? What are the net needs to come out of there to cover our expenses?

Mr. Costa: It is broken down in part of the budget that was presented...

Chair Furfaro: I am sorry— is that the one hundred thirty thousand five hundred dollars (\$130,500) or forty-three thousand five hundred dollars (\$43,500) per year?

Mr. Costa: We are looking at the part of the Administrative cost; twenty percent (20%), forty-six thousand six hundred ninety dollars (\$46,690).

Chair Furfaro: The twenty percent (20%), which is says “Other.”

Mr. Costa: Right. That would be the Administrative costs.

Chair Furfaro: Okay, so that is what is under “Other” at twenty percent (20%).

Mr. Costa: We used the format that the Department of Education provided.

Chair Furfaro: Okay. Did I hear you say that you have about six (6) or seven (7) candidates for this?

Ms. Bradford: Yes, that we have been working with.

Chair Furfaro: Okay. What quantifies “Native Hawaiian” for the grant? My family is 1/16th Hawaiian. Do they qualify?

Ms. Bradford: There is no blood quantum. It has nothing to do with this.

Chair Furfaro: I just wanted to ask. There is no application that says we have to service a blood quantum?

Ms. Bradford: No.

Chair Furfaro: Okay. Thank you.

Mr. Chock: Councilmember Yukimura.

Ms. Yukimura: I am not clear what this program is going to do.

Ms. Bradford: This program will supplement our services that we already have for WIA. We already provide education, training and job-readiness, employment opportunities, and services. We also work closely with the Department of Education, community colleges already on the island, and the community school for adults to provide students with services to get their General Education Development (GED) or their community-based certificates or diploma. If they want to go to college, we are already helping them with that. The additional funding is going to bring in more services directly in the community.

Ms. Yukimura: But it is basically paying for another body. Maybe it is just that I do not understand what your organizational structure is for WIR. Do you not already have people working under WIR?

Mr. Costa: Workforce Investment Act.

Ms. Yukimura: Yes, WIA. Excuse me. That shows how little I know. Why could you not be the person that puts out the grants, and then of course, what are the criteria for the grants?

Ms. Bradford: I am putting out the grant. This person is just going to help oversee the program.

Ms. Yukimura: So what are you are outcomes? They are really general here. How are you measuring them?

Ms. Bradford: I do have some stuff that I put together to do surveys, assessments, and measurements. I do have that already as part of the application.

Ms. Yukimura: How are you incorporating it in your grant program? What exactly are you asking your grantees to do and produce?

Mr. Costa: Basically, it would compliment what Ka'eo is already doing.

Ms. Yukimura: So maybe I am not clear about what you are already doing.

Mr. Costa: Okay. Well, we are coming back on Friday for our budget presentation and I am not sure if you remember last year when Ka'eo spent about forty-five (45) minutes going through what she does in workforce investment, so we can kind of present that and explain those current programs that Ka'eo is already doing and how we are going to take those same programs and expand that to focus on the Native Hawaiian population. I think that would help.

Ms. Yukimura: One of my questions is would Tūtū and Me qualify?

Ms. Bradford: Yes, definitely.

Ms. Yukimura: Because I have been urging our Housing Agency that Kalepa Village would be a perfect place to do the Tūtū and Me Program. If kids are Kindergarten-ready, their chances of graduating from high school are greater. We know that there are these studies. There is no Tūtū and Me Program in the Līhu'e area. It is language-based and culture-based.

Ms. Bradford: Right.

Ms. Yukimura: If a child goes consistently to Tūtū and Me Programs, and they have to go with their parent or caregiver, the studies have shown that they are kindergarten-ready. To me, that is one of the best programs, but the presentation seems to say it is like you are working with just sixteen (16) and seventeen (17) year olds or twenty-one (21) to twenty-two (22) year olds.

Ms. Bradford: It does not say here, but on my project narrative that I am writing, we are actually working with ages from three (3) onto twenty (20) to twenty-one (21) years old. Fourteen (14) to twenty-one (21) is part of our youth services, but this is bringing on additional for those age groups for the pre-preparation and teaching the younger kids about the *kuleana*, *ʻōhana*, and family life.

Ms. Yukimura: Because I know Partners in Development—I think that is the group that is Tūtū and Me.

Ms. Bradford: Right.

Ms. Yukimura: They have been wanting to establish this program and I think it would be such an asset for our Housing program. I think it would be such an asset for our Housing program. I do not know that it with would only... it would not be reserved just for the housing residents, but it would have to be more open than that. It is a fabulous evidence-based program that is so well organized and has really clear results that I think sounds like it fits the Federal guidelines.

Ms. Bradford: Yes.

Ms. Yukimura: Okay, so that is something that could fit into this program?

Ms. Bradford: Yes.

Ms. Yukimura: They would be able to apply?

Ms. Bradford: Right.

Ms. Yukimura: Okay. The guidelines for application are being developed or are already developed?

Ms. Bradford: Right. We are developing guidelines for that.
I do have some parts of it already.

Ms. Yukimura: Okay. Your Youth Services Program, which are ages fourteen (14) to twenty-one (21); I am aware that Hale 'Ōpio and other groups are working with Keiki to Career and this whole idea of transitioning from high school to career, whether it is through higher education first or actually into some vocations.

Ms. Bradford: Right. I sit on that board too.

Ms. Yukimura: You sit on?

Ms. Bradford: Education, Post-Secondary Committee.

Ms. Yukimura: Of Keiki to Career?

Ms. Bradford: Yes.

Ms. Yukimura: Are these programs being notified of the potential for grants?

Ms. Bradford: Sure. Like I said, we just started the application process. We need the approval to go ahead.

Ms. Costa: Yes. I have advised Ka'eo to get started because of the timing of this. There is a grant opportunity and if we wait until we get approval from the Council and then start the process, then we are not going to make that April 21st deadline. I asked her to get the process started and do some of the research, but she does not have all of the answers right now.

Ms. Yukimura: Okay.

Ms. Bradford: We are working very closely with KWIB Youth Council to put together this application.

Ms. Yukimura: Is that adults or young people?

Ms. Bradford: Our Youth Council?

Ms. Yukimura: Yes.

Ms. Bradford: We do have a youth representative on our council.

Ms. Yukimura: Because the fabricating of a program with guidelines and stuff is going to be program people who are working in those areas.

Ms. Bradford: Right. We do have people that sit on our council from the Young Women's Christian Association (YWCA) women's center, Big Brothers Big Sister, Char Ravelo from Leadership Kaua'i, and DOE representatives. We do have a lot of people who have a stake in this process.

Ms. Yukimura: Okay, but you are applying for nine hundred thousand dollars (\$900,000) over three (3) years?

Ms. Bradford: That is the maximum amount that they are going to make us apply for.

Ms. Yukimura: So it is three hundred thousand dollars (\$300,000) each year, but almost all of it— wait... okay. So your contractual is that you are expecting to dispense approximately one hundred seventy thousand dollars (\$170,000) every year in grants.

Ms. Bradford: Right. Supplementally, yes.

Ms. Yukimura: Okay. You are aware, too, of the County program in Economic Development that now Managing Director Nakamura and I, with the support of the whole Council, developed afterschool and preschool grant program through the Hawai'i Community Foundation? I do not know what the Native Hawaiian connection is, but you could join together these programs and maximize or extend the coverage of it by looking at the possibilities for interconnection.

Ms. Bradford: Sure.

Ms. Yukimura: Hawai'i Community Foundation has already set up the criteria for distribution of programming that you might want to look at.

Ms. Bradford: Okay.

Ms. Yukimura: Thank you. I am clearer now. I appreciate it.

Mr. Chock: Thanks. Just to clarify, you are here to ask for approval and my hope is that we will see very soon... sounds like in one (1) week or two (2) here, your proposal, which I am hoping will answer a lot of these questions, and we can always move towards continuing the partnerships and so forth. There is a question from the Council Chair.

Chair Furfaro: George, when do you come before the Council?

Mr. Costa: Friday.

Chair Furfaro: Basically what this looks like is this Native Hawaiian educational organizations... Hawaiian community-based organizations... and you have a shopping list. There is no real definition of any rationale as qualifying for the individuals. It is pretty liberal there as far as a Native Hawaiian definition here. Do I read this right? One hundred seventy thousand dollars (\$170,000) will actually go out in grants each year for three (3) years, so about fifty-three percent (53%) of this money will be issued in the form of grant money.

Ms. Bradford: For services.

Chair Furfaro: Yes.

Ms. Bradford: That is not including training stipend funds. That is in a separate category if you notice.

Chair Furfaro: Now that Mr. Bynum directed me to your spreadsheet, I see that. Can you give us a progress report if we approve this today? Can you give us a progress report of what was submitted and so forth by Economic Development presentation?

Ms. Bradford: Yes, we can do that.

Chair Furfaro: I have no problem with approving this today.

Mr. Chock: Thank you, Chair. Councilmember Yukimura.

Ms. Yukimura: I have one more question. Your training stipend of twenty-five thousand dollars (\$25,000) each year— is that going to be for the person who is hired?

Ms. Bradford: No, it is set aside for job training, work experiences with different industries.

Ms. Yukimura: But that will not go through your contracts with different organizations?

Ms. Bradford: No. This particular portion is directly from our office, but the other contractual service providers can do that, too, with their funds.

Ms. Yukimura: So who exactly are you training with this twenty-five thousand six hundred dollars (\$25,600)? Who will you be training?

Ms. Bradford: Participants in the program.

Ms. Yukimura: Who is going to be administering the training?

Ms. Bradford: Industries that are collaborating and service providers.

Ms. Yukimura: Maybe you can give me an example of how that works.

Ms. Bradford: For example, WorkWise Kaua'i is one of our biggest service providers and the State Employment Office. We already provide work experiences and Very Important Person (VIP) programs where they do volunteer and internships already. Those who qualify for the program would be accessible to the training stipends.

Ms. Yukimura: So you would be approving training stipends? You are the one who is going to approve them?

Ms. Bradford: It will be part of the eight (8) week program for training at forty (40) hours a week. Yes, we would approve it according to the eligibility of that person.

Ms. Yukimura: So people would be applying to OED for these training stipends?

Ms. Bradford: We do have an application process that we already go through with the WIA program. The funding from this particular grant will be supplementing the WIA Federal Program.

Ms. Yukimura: In the ongoing program, are you the one who makes the decision or is it a board decision about who gets the stipends?

Ms. Bradford: No, we already have set criteria for WIA that they would have to meet Title I.

Ms. Yukimura: Right. Who applies the criteria to the application? You do and then you decide who gets the stipend?

Ms. Bradford: No, we go through the board.

Ms. Yukimura: I was just trying to understand your decision-making process.

Ms. Bradford: But they still have to go through the whole WIA process, too, and be approved.

Ms. Yukimura: Okay. Thank you very much.

Chair Furfaro: I want to say that I kind of like what Mr. Hooser brought up earlier as it deals with the Ni'ihau community. Could I just be assured you will make Bill Arakaki with the DOE as aware as possible that this money could be available for a Ni'ihau project? I like what Mr. Hooser said.

Ms. Bradford: Yes.

Chair Furfaro: Okay.

Ms. Bradford: I will make a note of that and make sure that he gets notice right away.

Chair Furfaro: Yes.

Mr. Chock: I think I like the fact that you keep the work training money separate so that you folks could administer through the various programs that are participating like individual students because not all the students are going to move in that direction, but you folks can connect them with the resources as the organization.

Ms. Bradford: Right.

Mr. Chock: I think that provides the internship capabilities and the experiences that they are looking for. Thank you. Any further questions?

Mr. Costa: Excuse me, Vice Chair Chock. What we can is on Friday, I will have Ka'eo expand her portion of the budget presentation, not to give the entire report that she did last year, but to kind of do a refresher to show what the WIA and the board does because it is made up of thirty (30) volunteers throughout our community and includes Bill Arakaki from the Department of Education, so I think that will help make what we are trying to do a lot clearer.

Mr. Chock: Thank you for your coordinated effort.

Ms. Yukimura: On George's point, thank you because that would be really helpful to have what the WIA organization schematic is and how you make decisions, and maybe later on in the grant, but how you are going to measure the outcomes at some point.

Mr. Costa: Right. In Ka'eo's presentation, she will have the outcomes from this past year through the WIA program and we will expand that with the Native Hawaiian Program.

Ms. Yukimura: That would be very helpful. Thank you.

Mr. Chock: Thank you again for the presentation and for answering our questions. We will see you folks soon regarding this.

Mr. Costa: *Mahalo.*

Mr. Chock: Is there anyone in the public who would like to give public testimony? Seeing none, our motion is to approve this item so that they can move forward on their application.

The meeting was called back to order, and proceeded as follows:

The motion to approve C 2014-107 was then put, and unanimously carried.

Mr. Chock: I think we can accomplish a few more before lunch, Chair.

Chair Furfaro: Actually, for the next item, C 2014-108, the Finance Director is up here but I think between Finance, IT, and the Auditor, they have worked this out so that this can be received. Can we read the item, please?

C 2014-108 Communication (03/17/2014) from Council Vice Chair Chock, requesting the presence of the Information Technology (IT) Communication & Project Manager to discuss the costs and benefits of partitioning the County's computer network system between the legislative and administrative branches and an analysis of sub-partitioning the different departments or divisions within the respective branches: Ms. Yukimura moved to receive C 2014-108 for the record, seconded by Mr. Hooser.

Mr. Chock: I just wanted to mention that this is an item that I asked for previously and we were able to meet with the parties. The

discussion is really centered on the Auditor's request to have his own networking system and phone system. I think through our communication, we have been able to work that out for something that is feasible, not only financially but also security wise for the parties, so that is why we are asking to receive this item. I will let the Director of Finance answer any further questions.

There being no objections, the rules were suspended.

STEVEN A. HUNT, Director of Finance: Steve Hunt, Director of Finance for the record. Yes, the cost benefits— I guess there are more costs than benefits from partitioning, so we are looking at retaining the single network to service all of our constituents and making sure that the privacy, security, and access concerns that the Auditor does have are met within that single network. I think we have come to an agreement as to what that protocol would be and we are looking at options like password protection encryption within his division to meet those needs.

Chair Furfaro: Steve, do we have something that understands that we have a Memorandum of Agreement (MOA) or something that the Auditor has signed-off on?

Mr. Hunt: The communication that we asked to receive and the direction has been spelled out in a memo to Council that myself, the County Auditor, and our Managing Director has signed-off on.

Chair Furfaro: That is all I need. Thank you.

Mr. Chock: Councilmember Hooser.

Mr. Hooser: I am not as familiar with the original question and the intent. Is it accurate to say that this would result in giving the Auditor's Office a greater degree of privacy in terms of the data and information from the Administration and the Legislative branch as well?

Mr. Hunt: This specifically was an Auditor request. If you are looking at password protection and file protection outside of the Auditor, then that would have to come over as a separate request to be evaluated. In this case, the concern is being able to service the server, network, and the computers that the Auditor is using without giving those technicians in IT the ability to essentially look and extract files that may be on either the C-Drive or within the server, that he would be able to identify those sensitive items and password protection and put them into a secure location.

Mr. Hooser: Okay. Thank you.

Ms. Yukimura: Vice Chair, I just want to thank you, Vice Chair, as well as the Chair and Steve for finding us a solution that works for all of us. Thank you.

Mr. Chock: Any further questions? Thank you, Steve, for helping us with that. Would anyone like to testify on this item? Seeing no one, I will call the meeting back to order. Just to help clarify for Councilmember Hooser, the original request was to be an independent network. I think that through this collaboration we have found something equitable that still gives some of our

overseeing power to have a direct relationship with the Auditor's Office, so I think it is a good compromise here. I would also add that according to Mr. Brandon Raines, while a lot of other Counties are looking at different ways to create a separate entity or independence for the Auditor, that many who have gone the distance are seeking to try to bring it back together rather than separate them and that they are finding huge obstacles in doing so. The collaboration and the need for communication in the future is probably best that we keep it centralized and still be able to partition out the individual requests.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Hooser: If I could just respond briefly. Also, I think it bears having a separate meeting at some point with IT in terms of talking about this subject when we have the time. I know it is hard right now. There are issues between the Legislative branch and the Administrative branch also in terms of privacy and independence. I know that at the State Legislature, they have their own IT people that do their own IT and the Administration has theirs. It is a discussion that I would like to personally get more clear on in terms of what access other people have to the data that we have, how protected we are, and how independent we are. That can be a future discussion perhaps.

Mr. Chock: I appreciate that and other Councilmembers... I think Councilmember Rapozo had also aired the same concern and needs, so if the Chair would like to entertain that I think what it comes down to, at least from what I have heard, is a sense of trust and the capability to be able to provide that privacy that we are asking for.

Mr. Hooser: Great. Thank you.

Mr. Hunt: I just wanted to weigh in a little bit. It is a trust issue, making sure that whomever you decide to manage your IT, whether it is internal or external, someone in IT is going to be able to access those files because if you need an outside person to either log on from an external location or come to your office, those files are available to whomever is working. It is an issue for Police that have sensitive items and it is an issue for the Office of the Prosecuting Attorney (OPA). Again, all of that is considered when we are looking and choosing our IT specialists as well. There is a certain amount of monitoring and compliance that we are following protocol. It could become, depending if there is a movement for everyone go to their own networks or their own IT services, that it could actually trigger some union issues with the Hawai'i Government Employees Association (HGEA) if we are having to displace some of our IT Staff because we no longer need them to service a greater network. There could be some (inaudible) issues involved in that too. Again, we are trying to find solutions within one network that may meet all of the business needs in terms of privacy and security of data without all of these added expenditures of having all independent networks running.

Chair Furfaro: Well, quite frankly, this is an issue that goes back all the way back to Police Chief Lum's request for his department and so forth. I think Mr. Hooser writes me a request, I will place it on the agenda as a discussion item in the near future, and we will have more on this. For right now, I think that we have come to a mutually agreed to conclusion with the Auditor and we can go ahead and receive this today.

Ms. Yukimura: I just want to suggest that we may want to look at an IT subcommittee also for the Council just because this is not the only issue. There were the others like Wi-Fi and all of this and maybe it is for a subcommittee to work on, and then bring it to the Council too. We may do that later down the line, not with this necessarily. This might be handled with just a letter.

Mr. Chock: Thank you.

Chair Furfaro: I will expect to get something from Mr. Hooser. Mr. Hooser, if you could summarize it, then we will put a discussion item on the agenda in the near future.

Mr. Chock: Thank you.

The motion to receive C 2014-108 for the record, was then put, and unanimously carried.

C 2014-109 Communication (03/19/2014) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of February 4, 2014: Ms. Yukimura moved to receive C 2014-109 for the record, seconded by Mr. Hooser.

Mr. Chock: Back to you Steve.

There being no objections, the rules were suspended.

Mr. Hunt: In all honesty, I really have not prepared to speak to this item. I have been mostly focused on the budget. Dave Spanski is here if there are any specific questions and answers in terms of our current cash position liquidity or anything else related to that item.

Chair Furfaro: I have something.

Mr. Chock: Okay. Dave, may you come up?

DAVE SPANSKI, County Treasurer: Dave Spanski, County Treasurer.

Chair Furfaro: Dave, I just want to say... and I am not saying this because it is lunchtime and I am hungry, but I just want to pay some compliments to you in the progress that we have made, even with some of the discussion that we had this morning when we talked to Bond Council. The kind of management you have provided and the improvements we have in our cash management from year-to-year, you ought to be commended and I just wanted to say that it is very much appreciated. The material that you went over with me today— I do plan to share it with the Council as we go through the rest of the budget. Thank you for your work and the good results.

Mr. Spanski: Thank you.

Mr. Chock: Are there any further questions for these gentlemen? No one is here to testify publicly. Thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2014-109 for the record, was then put, and unanimously carried.

Mr. Watanabe: I think we can do one more item.

Mr. Chock: Okay.

Mr. Watanabe: For C 2014-111, we will bypass that because we have to convene in Executive Session before we can handle that matter. Let us take C 2014-112.

There being no objections, C 2014-112 was taken out of the order.

C 2014-112 Communication (04/01/2014) from Councilmember Rapozo, requesting Council consideration of the following, relating to the National Association of Counties (NACo) Dental Discount Program and Health Discount Program, which will offer residents who are uninsured affordable alternatives to paying full price for health and dental care services:

- 1) Request for approval to enter into a contract with Careington International Corporation, for the NACo Dental Discount Program;
- 2) Request for approval to execute all appropriate documents to implement the NACo Health Discount Program;
- 3) Request for approval to indemnify Careington International Corporation and Caremark PCS Health, L.L.C.;
- 4) Request for approval to execute all other appropriate documents to effect the NACo Health Discount Program and the NACo Dental Discount Program for the County of Kaua'i; and
- 5) Provide the County Clerk with the authority to sign any and all documents relating to these programs.

Mr. Chock: I did get notification from Staff that Councilmember Rapozo does have a presentation for this. What I would us to do is move forward to approve, then break for lunch, and come back to the item afterwards. Is that okay?

Chair Furfaro: I do want to make a point that when we come back from lunch, we have some public testimony but I had already committed time for the Shoreline Setback group at 1:30 p.m. I think we should just handle this after we finish the Shoreline Setback Bill.

Mr. Watanabe: Okay. We can just recess this item and move it to later in the calendar.

Mr. Chock: Okay. We will recess for lunch. Chair, it is 12:34 p.m., so we will be back at 1:34 p.m.

Chair Furfaro: Yes. We are in recess.

There being no objections, the meeting recessed at 12:34 p.m.

The Council reconvened at 1:40 p.m., and proceeded as follows:

(Mr. Bynum is noted as not present in the meeting.)

Mr. Chock returned Chairmanship to Chair Furfaro.

Chair Furfaro: We are back to our Council Meeting. As I had indicated, approximately at 1:30 p.m., we would take up the Shoreline Setback Bill so I would like to have that item read please.

There being no objections, Bill No. 2461, Draft 1 was taken out of the order.

BILLS FOR SECOND READING:

Bill No. 2461, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Amendments to the Shoreline Setback Ordinance*): Ms. Yukimura moved to adopt Bill No. 2461, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Mr. Kagawa.

Chair Furfaro: To the general public, I want to bring you up-to-date. This Bill came out of Committee. I indicated that it is my intent to have it at the full Council, but I know there is not a common agreement in certain areas and I indicated that if this Bill found itself being worked on at the full Council, I would send it back to Committee. I want to make sure we understand that the work should be done in Committee. I do not plan to spend a whole afternoon dealing with this item after amendment, after amendment, after amendment. At that point, if I feel I need to, I will call for a vote and send it back to Committee if necessary. At this point, I am not calling for anything more than public testimony up to this point. I will take the public testimony first. Do we have people signed up for this Bill?

JADE K. FOUNTAIN-TANIGAWA, Deputy County Clerk: Yes, we do Chair. We have three (3) registered speakers. The first registered speaker is Carl Imparato, followed by Chris Conger.

Chair Furfaro: I also want to announce that if there is anybody else who wishes to speak on this Bill, it is time for you to sign-up at the podium now.

There being no objections, the rules were suspended.

CARL IMPARATO: Aloha Councilmembers. My name is Carl Imparato and I live in Hanalei. Regarding this Bill, there are a number of significant problems. They include retreating from the one hundred (100) year erosion based setback requirements in the existing Ordinance to seventy (70) year

based requirements and continuing to allow structures to be rebuilt under outdated forty (40) feet setback requirements rather than requiring rebuilding under the updated erosion based setback criteria. There are also problems in the wording that do not make logical sense. For example, the rewording of Section 3(a) regarding the timing of shoreline certifications says that the certifications must be obtained no later than twelve (12) months prior to applying for setback rather than "no sooner than." It is actually backwards. There are those kinds of problems as well, but I want to focus on one single issue that is of paramount importance and that is the applicability language in Section 8-27.1. Now, the proposed changes to this section would exempt the following from all of the requirements of the Bill and the Ordinance. All lands for which the property is adjacent to a rocky shoreline and the site of the proposed structure is located twenty (20) feet above sea level and outside of the flood zones. It would exempt all of that from any of those things from the requirements of the Ordinance and it would exempt proposals for landscaping on lands abutting the shoreline. Now, the language says that this is exempt and then of course the next sentence says "regardless of this exemption, no structure shall be placed within forty (40) feet of the shoreline for these exempt properties. Anyway, it is sort of contradictory. I have been told that the intent of this language is to remove the administrative burden of having to obtain shoreline certifications in situations where it is obvious that you are not near the shoreline and it is questionable, of course, whether it legally if that is allowable. But assuming for the moment that there are cases in which that can be done, exempting these entire classes of properties and activities from all of the requirements of the Shoreline Setback Ordinance is not the way to solve the problem. It is a (inaudible) approach to create these exemptions and it is wrong on many levels. I think that maybe the ramifications have not been thought through clearly. I would like to go into four distinct reasons why this approach is wrong: first of all, exempting these lands and landscaping from the entirety of the Bill and Ordinance would create enormous regulatory gaps. Section 3 of the Ordinance relates to establishing a shoreline setback line and if that section does not apply to these exempted properties, then who determines where that shoreline setback line is going to be? The developers with no certification? That is obviously something that invites abuse. Section 6 of the Ordinance addresses activities that are prohibited in the setback area; things like wastewater systems and shoreline hardening. If Section 6 does not apply to the exempted properties, then those prohibitions do not apply.

Ms. Fountain-Tanigawa: Three (3) minutes.

Chair Furfaro: Carl, that is three (3) minutes. I am going to give you another three (3) minutes.

Mr. Imparato: Thank you. Section 7 does not apply to the exempted properties, so the prohibitions against landscaping in the shoreline setback area without a variance would not apply. Landscaping could go right up to the shoreline. Section 8 would not apply so that for other properties, the proposed structures that are within five hundred (500) feet of the shoreline would have to meet rules and for these properties exempted, it would not apply. Sections 9, 10, and 11 would not apply and that deals with procedures for obtaining variances. Very importantly, with the rules that for example say that you cannot obtain a variance if constructed without a permit. None of that would apply to these exempted properties. There is a drastic set of consequences associated with exempting these entire classes of properties from the entirety of the Bill. This category of properties is also ill-defined, simply because a development site is twenty (20) feet above a supposedly rocky shoreline does not mean that the bluff is

not eroding and the land may be on a gradual slope rather than a cliff. Really, determining where the shoreline is is not really straightforward. Granting minimal forty (40) feet setbacks on a blanket basis does not protect the public's interest. Finally, the proposed exemptions would really be a tremendous give-away of the public's interest of preserving scenic coastal resources. That is one of the key objectives and policies of Hawai'i Revised Statutes (HRS) 205(a) and shoreline setbacks is just one part of HRS 205(a). The objectives of shoreline setbacks is not just preservation of property and preservation of access along the coast, but it is all of the objectives and policies of 205(a) and I have listed some of them in my written testimony, but they basically revolve around protecting coastal scenic and open space resources. That blanket exemption for the coastal properties that you have in 827.1 would allow development to occur much closer to the shoreline than under the present Bill... under the present law. Under the present law, if you have a lot that is more than one hundred sixty (160) feet deep, setbacks are between ninety (90) feet to one hundred (100) feet. When you exempt this whole class of properties, all of them now only have a setback of forty (40) feet, so you are basically pushing a lot of bluffside development right much closer to the bluff and that is going to basically have terrible visual impacts around the island. For example, I just want to consider the omidyar development scheme to line the bridge along the Hanalei River with dozens of vacation rentals and mansions. Under the current Ordinance, there would have to be ninety (90) to one hundred (100) feet setbacks from the shoreline. Under this proposed set of exemptions, the setbacks would only have to be about forty (40) feet, so that is a tremendous give away to the developer. It is a tremendous visual impact that we would be imposing on Hanalei, assuming that this project is allowed to go forward, which it should not for a whole bunch of other reasons. The bottom line is that it is really not in the public interest, in my opinion, to change the Shoreline Setback Ordinance to allow development to edge closer to the shoreline by exempting all of these classes.

Ms. Fountain-Tanigawa: Six (6) minutes.

Mr. Imparato: I will conclude now by saying that the existing language in Section 8-27.1 should be retained. It complies with State law regarding shoreline certifications. It does not create blanket exemptions, so it also protects scenic resources by requiring one hundred (100) feet setbacks on all large parcels. If there is truly a need to create special rules for special circumstances such as properties located on the bluff very, very far back, the way to do that is with targeted, well-defined, well-developed fixes and not through broad exemptions which have this whole class of other consequences that I have gone through in my testimony. I urge you basically to send this Bill back for more discussion and at a very minimum, if you are going to consider keeping the existing Section 8-27.1 rather than the proposed one. Thank you for your time and consideration.

Chair Furfaro: JoAnn, do you have questions for the testifier?

Ms. Yukimura: Yes. I agree that we should go back to Committee. I would like to get a copy of your testimony. Have you given us a copy?

Mr. Imparato: Yes.

Ms. Yukimura: I do not know that you are aware, but the existing law is seventy (70), not one hundred (100), times the coastal erosion rates.

Mr. Imparato: I was just looking at the copy of the Comprehensive Zoning Ordinance (CZO) that I have and for large properties, I saw one hundred (100).

Ms. Yukimura: I believe it is in the present Bill proposed. I am looking at the Planning Director. Is that not true, Mike?

Chair Furfaro: I will call him up next.

Ms. Yukimura: Okay. Thank you.

Mr. Imparato: The other comments as to the one hundred (100) feet setbacks versus the forty (40) feet setbacks, I still think stand.

Ms. Yukimura: Sorry, I did not hear you.

Mr. Imparato: My other comments aside from the seventy (70) versus one hundred (100) year erosion rates, the other comments about the existing law requiring one hundred (100) feet setbacks for larger properties versus forty (40) feet setbacks— I think those comments that I have made all still stand.

Ms. Yukimura: We are now basing them on coastal erosion rates. That is the proposal.

Mr. Imparato: Yes, plus a minimum.

Ms. Yukimura: Plus a minimum of right now forty (40) feet.

Mr. Imparato: In the Bill?

Ms. Yukimura: In the existing law.

Mr. Imparato: I will take another look at that.

Ms. Yukimura: Thank you.

Chair Furfaro: I will have Mike come up to revisit that. Are there any more questions for Carl?

Mr. Rapozo: I have one.

Chair Furfaro: Go ahead, Mr. Rapozo.

Mr. Rapozo: Thank you, Mr. Chair. Thank you, Carl, for being here. The example that you cite on your page three, the Hanalei River Development Omidyar— does that sit on a rocky shoreline?

Mr. Imparato: Well, that is the question. In terms of the language, “Is it adjacent to a rocky shoreline?” I know you can walk down along the parts of the beach there below it and beyond sand, and on the other hand, there are other parts that are rocky. That begs the question, “What do these words ‘adjacent to a rocky shoreline’ mean?” Is that really something that is so ill-defined that it could lead to abuse? I do not know the answer. It depends on what day of the week you are out there.

Mr. Rapozo: I am not familiar with that area because I envision a rocky shoreline as being where the entire shoreline is basically not erodible. That is where they come up with the zero erosion rate, but I am not sure... I am not familiar at all, I guess I should say, with this property.

Mr. Imparato: Right. The point is that even for if for the sake of argument that it was a rocky shoreline with a zero erosion rate down there, it does not mean for example that the cliff may not erode over the seventy (70) year life span that we are talking about here and it also does not mean that maybe there are other reasons because it may not be a straight vertical cliff; it may be a gradual cliff such as we had with the other (inaudible) development in Hanalei where you see a lot of those houses on the ridge from the valley. Those are supposed to be setback so they were not visible, but people argued as to "where is the edge?" These are all a set of questions that needs to be addressed rather than saying we are going to exempt everything near a rocky shoreline.

Mr. Rapozo: Okay. Thank you.

Chair Furfaro: The point that is from the (inaudible) there for the set viewing plane for fishermen is a rocky front. Then in 1957, there were two (2) jetties put in to prevent the river mouth from filling up with sand, so there is manmade rock placement. As you go into to the base of the old (inaudible), there is no rock. It is a very different kind of piece of real estate when you are trying to compare these descriptions.

Mr. Imparato: Yes. So does the exemption apply or not?

Chair Furfaro: Yes. Are there any more questions for Carl?

Ms. Yukimura: I do want to say that the existing law for structures that have a building footprint of less than five thousand (5,000) square feet is forty (40) plus seventy (70) times. For greater, it is forty (40) feet plus one hundred (100) times with the idea that that building was going to be not wood, but concrete or stronger substance. I think we are actually using the average lot depth. I think we get to the same place. Actually using the average lot depth, I think we get to the same place.

Mr. Imparato: Okay. I think it depends on the erosion rates of course, but that is where I came up with the one hundred (100) year erosion rates.

Ms. Yukimura: But for rocky coastlines, the erosion rate is zero.

Mr. Imparato: Fair enough. My point about the retreat from one hundred (100) years to seventy (70) years was a comment that was separate from the comments on Section 1 of the Bill. I said these were other concerns that I had with the Bill. The retreat from one hundred (100) year based erosion rates to seventy (70) year erosion rates was a concern in my very first paragraph in my testimony and that was separate from the concern about the rocky cliffs.

Ms. Yukimura: Just so you know, the one hundred (100) and the seventy (70) are not based on erosion rates. They are just based on the life of a structure.

Mr. Imparato: Right, one hundred (100) year life of the structure times the erosion rates.

Ms. Yukimura: Right. Thank you.

Chair Furfaro: Carl, as I have said before, I will be bringing up the Planning Director to give us some commentary on that. As the Vice Chair of the Committee has indicated, she is okay with this going back to Committee. I will still take testimony today, but I would like the work to be done in Committee. That has always been the policy and tradition here and a lot of citizens have given a lot of input in the Committee, which JoAnn has led since Nadine's transition over to the Administration. It sounds like the Bill going back to Committee has support from her. I am going to call the Planning Director up and specifically ask him one question, which is to define what the interpretation is on the books right now. Thank you for your testimony, Carl.

MICHAEL A. DAHILIG, Director of Planning: Good afternoon, Chair and members of Council. Mike Dahilig for the record.

Chair Furfaro: Thank you, Mike. To the best of your ability, could you give us an evaluation of a shoreline setback according to the policies and rules that are in place at present?

Mr. Dahilig: Specifically addressing that inquiry posed by Mr. Imparato with respect to seventy (70) versus one hundred (100)—Councilmember Yukimura's recount of the way that the law is setup is generally what the law reads right now. That is set forth under page 13 of the Bill and you will see it bracketed out. When we look at a first kind of analysis of setting the setback line, one hundred sixty (160) is the bright line threshold whether we look below one hundred sixty (160) or above one hundred sixty (160). In cases where we are above one hundred sixty (160) feet for the average depth of the lot, we look at the building footprint. If the building footprint is less than or equal to five thousand (5,000) square feet, the multiplier in that circumstance is seventy (70), which is seventy (70) years because it is an annual erosion rate. If it is greater than five thousand (5,000) square feet, the multiplier is one hundred (100), which would indicate one hundred (100) years or one hundred (100) times the annual erosion rate.

Chair Furfaro: Are there any questions for Mike?

Mr. Hooser: Thank you, Director.

Mr. Dahilig: Sure thing.

Mr. Hooser: For a lot that is more than two hundred (200) feet deep, it is one hundred (100) feet minimum setback. Is that correct?

Mr. Dahilig: When you look at Table 1 that I believe you are referring to, then it is less than one hundred (100) feet, so it is ninety (90)...

Mr. Hooser: No, but if it is more than two hundred (200) feet deep, then the minimum setback would be one hundred (100) feet?

Mr. Dahilig: That is correct.

Mr. Hooser: Under existing law?

Mr. Dahilig: Under existing law.

Mr. Hooser: Regardless of the size of the house?

Mr. Dahilig: Or we can go to Table 2.

Mr. Hooser: But the minimum is one hundred (100) feet.

Mr. Dahilig: That is correct.

Mr. Hooser: Right. Okay. I just wanted to throw that out there.

Mr. Dahilig: Well, based on the way that the law is written.

Mr. Hooser: Right. The way the law is changing— the existing law says that if you have a deep lot over two hundred (200) feet, the minimum setback is one hundred (100). So under the new law, if it was a rocky coastline, that would be the setback? Is that forty (40) feet?

Mr. Dahilig: I think based on the way that Draft 1 is written at this point, what I believe was taken out was the distinction between... I am sorry... that is for the variance section. I believe if you look at Section 8-27.4, "Minimum Shoreline Setback Requirements: Except as provided for in this article, no lot shall have a shoreline setback line of less than forty (40) feet."

Mr. Hooser: Okay. Right now, the same lot, the minimum is one hundred (100) feet and with the new law, the minimum is forty (40) feet? Not the minimum, but the setback?

KA'AINA HULL, Planner : Ka'aina Hull, Planning Department for the record. For clarification on that, it is a tiered system in which you have the rocky shoreline, as well as you have the table which has average lot depth, and that is on page number fifteen, so it would be less than one hundred forty (140) feet... one hundred forty (140) to two hundred twenty (220) feet or greater than two hundred twenty (220) feet. You have the greater than two hundred twenty (220) feet. You also have the one hundred (100) feet minimum. But then say if you have two hundred two (202) feet or two hundred three (203) feet, just over that two hundred (200) feet limit, then you are looking at the average lot depth minus one hundred (100) feet, divided by two (2) plus forty (40) feet. The way that that formula is setup... it is a tiered system, essentially.

Mr. Hooser: So help me out here if you could. I know it is not simple and that is why I am asking you to help me out. If you have a two hundred two (202) feet lot and you are on a rocky coastline...

Mr. Hull: With the rocky coastline, you are going to have the forty (40) feet.

Mr. Hooser: Okay, so forty (40) feet would be the minimum... not the minimum would be the setback requirement. The existing law says that the setback requirement is a minimum of one hundred (100)? I think that is correct.

Mr. Dahilig: If you look at Table 1 on page 13.

Mr. Hull: Right.

Mr. Hooser: Without looking at the lot itself, a rocky coastline, two hundred two (202) feet— in the existing law is one hundred (100) feet minimum and in the new law it is forty (40) feet.

Mr. Hull: Yes.

Mr. Hooser: Okay. That is what I wanted to get clear. Thank you.

Chair Furfaro: JoAnn, I only called him up for clarification. You want a clarification on the question from Planning?

Ms. Yukimura: Yes.

Chair Furfaro: Okay. Mr. Jung, do you want to come up? This is exactly what I was afraid of. We will be here defining things that should have been defined in the Committee with various interpretations, so we do not have a baseline to find out what the changes were.

IAN K. JUNG, Deputy County Attorney: Deputy County Attorney, Ian Jung. There is this tiered system, but you have to look at it based on the calculations that Sea Grant recommended as we went through the Committee to try and harmonize a new table format. We had this whole table format that went from lump categories that spanned between ten (10) feet. Now they came up with this new calculation to basically allow for the depth of the lot to be harmonized with sort of an average ratio, so there is not a huge jump between say if you are at one hundred one (101) feet, and then one hundred eleven (111) feet, you are not jumping ten (10) feet and kind of narrowing the scope here. If you look on page 13, it breaks it down.

Chair Furfaro: That is the existing code?

Mr. Jung: Yes. They started with a threshold of under one hundred forty (140) feet, and then one hundred forty (140) feet, and two hundred twenty (220) feet. Dennis Hwang, who is a University of Hawai'i Sea Grant Coastal Specialist and Attorney, came up with these numbers based on a new process that they are developing, which looked at trying to revamp how the current process works.

Chair Furfaro: I want to get some clarification because I was partially here. Mr. Hwang you said?

Mr. Jung: Correct.

Chair Furfaro: He came up with this new format?

Mr. Jung: The new formula.

Chair Furfaro: Which is now part of the old Ordinance?

Mr. Jung: No.

Chair Furfaro: I only want to know about the old Ordinance.

Mr. Jung: The old Ordinance?

Chair Furfaro: Yes.

Mr. Jung: Okay.

Chair Furfaro: Is there any deviation from the testimony from the two (2) gentlemen in Planning, the interpretation from your legal position that is different from the way they explained it?

Mr. Jung: From the current Ordinance, that is how it is.

Chair Furfaro: That is all I want to know.

Mr. Jung: But I think Councilmember Hooser was asking about application of the new Ordinance. That is why I thought I came up here to clarify about. It is not going to be set just at forty (40) feet.

Chair Furfaro: Hold on a second young man. I only want to make sure everybody understands the current Ordinance.

Mr. Jung: Okay.

Chair Furfaro: Mike, did you understand when I brought you up?

Mr. Dahilig: Yes, Sir.

Chair Furfaro: Ka'aina?

Mr. Hull: Yes, I did.

Chair Furfaro: Okay. Do you have anything different from that in your interpretation of the current Ordinance?

Mr. Jung: No, but the question asked the new Ordinance that...

Chair Furfaro: I did not allow him to ask that question, but he did.

Mr. Jung: Okay.

Chair Furfaro: But now I am. I want to make sure everybody knows where the starting line is.

Mr. Jung: Sure.

Chair Furfaro: Mr. Hooser, you wanted to ask the comparison of that with what is in the proposal?

Mr. Hooser: Thank you, Chair. I think this conversation is indicative of why we need to send it back to Committee. This lot is on a rocky coastline and is at two hundred two (202) feet deep, under existing law, there is a minimum of a one hundred (100) feet setback? I believe that is what we all agreed on. Would you nod your head if you think it is true according to the existing Ordinance?

Mr. Jung: According to the existing Ordinance, yes.

Mr. Hooser: Okay. So according to the existing Ordinance, it is a minimum of one hundred (100) feet, right now, today?

Mr. Jung: Correct.

Mr. Hooser: Okay. If you take tomorrow, if the Bill is on the table is passed; with the same exact lot, what would be the setback?

Mr. Jung: There is a host of variables that you have to look at.

Mr. Hooser: Rocky coastline, two hundred two (202) feet depth, and no erosion.

Mr. Jung: Right. If you look on page 15, there is a table there.

Ms. Yukimura: Page 15 of what?

Mr. Jung: Page 15 of Bill No. 2461, Draft 1.

Mr. Hooser: I do not have a table on mine.

Ms. Yukimura: That is the new Bill.

Mr. Jung: Yes, this is Draft 1 that was just circulated.

Ms. Yukimura: We are talking about the existing...

Chair Furfaro: Mr. Hooser has the floor. Mr. Jung, clarify the question. Do you all have Draft 1 in the new Ordinance?

Mr. Hooser: We are talking about Bill No. 2461 that was passed by the Committee.

Chair Furfaro:

That is what is in front of us.

Mr. Hooser: We know that the existing law says one hundred (100) feet, so the Bill that was passed by the Committee calculates a setback for that same lot. What would that calculation be today?

Mr. Jung: You would have to take the greater of one or two options, right? If it is two hundred two (202) feet, so it is one hundred forty (140) feet— again, it all depends on whether or not it is subject to the coastal erosion study or not. If it is not subject to the coastal erosion study, then you look at a different standard. If it is standard to the coastal erosion study, then you take the greater of forty (40) feet plus seventy (70) times the annual coastal erosion rate, plus twenty (20) feet, or the average lot depth minus one hundred (100) feet divided by two (2) plus forty (40). The new calculation on the second tier of what you look at the greater of was the calculation that was come up by Sea Grant. If it is an area where it is a rocky shoreline where the Sea Grant or I guess the Fletcher study did not cover, then it would move into the... if you go back to page number fourteen where it says “(c) Lots Not Included in the Kaua‘i Coastal Erosion Study. For all structures on lots that were not included in the Kaua‘i Coastal Erosion Study, the setback shall be calculated as follows: (1) For lots with naturally occurring rocky shorelines, the setback is a minimum of forty (40) feet. (2) For all other lots, the setback is a minimum of sixty (60) feet.”

Mr. Hooser: Okay, so if I could stop you there, I think that is the same answer I got from the Planning Department. It is at forty (40) feet minimum.

Mr. Jung: It depends because you have to look at where the lot is and if there is a coastal erosion study or not.

Mr. Hooser: My description was a rocky shoreline with zero... I think we are okay. We are good. I am good, Chair. I do not want to go any further. Thank you.

Chair Furfaro: The way it is right now, I am thinking that perhaps I could ask Planning to write us or draw us a couple schematics for the Committee, not the Council, on what has to be interpreted with what variables to determine these setbacks? Visually it might help the Committee and so forth to make sure that we understand. I want to get on with taking public testimony.

Ms. Yukimura: I am talking about the existing law now. I think Councilmember Hooser’s was at two hundred two (202) average lot depth. To me, the applicable section would be “(c)” because “(b)” is one where there is coastal erosion because it required a coastal erosion study or doing the chart. The first chart was a coastal erosion study, so if you look at “(c) For lots with an average depth of more than one hundred sixty (160) feet,” which would be the two hundred two (202), “the shoreline setback line shall be established based on a coastal erosion study and shall be no less than the setback distances set forth in Table 1 is applicable.” That would be forty (40) feet plus one hundred (100) times annual coastal rate. If it is rocky, it would be zero. Therefore, the setback is forty (40) feet. Is that not correct?

Mr. Dahilig: So if you look at the last line of paragraph “(c),” where it says, “it shall be no less than the setback distances set forth in

Table 1 as applicable.” If we do have a situation where in Table 2, let us say the two hundred two (202) feet lot that Councilmember Hooser was referring to had an erosion of one (1) foot a year, that would be one hundred ten (110), which would be more than the one hundred (100), so that would be okay. Let us say it was half a foot, then it would be seventy (70) something feet that would not be allowed even if the erosion rate was less because the more than two hundred (200) feet column in Table 1 more than that seventy (70) something feet. That is where the one hundred (100) feet is the bottom threshold for two hundred (200) feet...

Ms. Yukimura:

But for a rocky shoreline?

Mr. Dahilig:
not provided for, I would say.

In terms of the existing law, that proviso is

Mr. Jung: Again, I think this is why in looking at the law, the potential inconsistency for an area that is not subject to erosion to be setback so far was the concern that Sea Grant brought up in trying to harmonize the issue of “are we susceptible for more challenges if we are going to push them arbitrarily all the way back versus focusing just on the coastal erosion study and how to implement to coastal erosion study, science-based data, to make sure that we have a rationalized decision as to why we are getting to certain numbers.”

Ms. Yukimura: Okay. The whole basis of this existing law was the hazards of coastal erosion and coastal hazards, right?

Mr. Jung:

Correct.

Ms. Yukimura: I do not think the setbacks were based on aesthetics; that is a Special Management Area (SMA) use regulatory issue. Is it not?

Mr. Jung: It is when you stay within the setback determinations, but when you get bounced up to the variance level, then the law allows you to look at how the visible impacts will be and whether or not the structure should be pushed further back. That is in the variance standard, which is a discretionary permit. Ordinarily, it would be strictly with SMA in trying to deal with visual impacts the project would have.

Ms. Yukimura:

Okay.

Chair Furfaro:

Mr. Rapozo, do you have a question?

Mr. Rapozo:
testimony.

I do, but I can hold that until after public

Chair Furfaro:

Mr. Kagawa.

Mr. Kagawa: If we do defer it back to the Planning Committee, could you folks prepare a couple of scenarios where we can compare current to proposed? I guess the two hundred two (202) feet lot—it does not have to be an actual picture, but just something visual where we can see the difference. My fear is that—and I do not know if that is kind of concerning you guys, but we changed the law and what we have is a big difference between... I think something more gradual, either further or nearer, but not something where it is really huge

from the existing. The other thing is if you can have some examples of defining that “rocky shoreline” because I think as mentioned by Caren in my conversation with her, there are some examples of rocky that can erode. Where do we draw the line? We can even point out examples of areas that we can identify and that would help a little bit. Thank you.

Chair Furfaro:

Thank you. Mr. Rapozo.

Mr. Rapozo: You were here when Mr. Imparato made his testimony and we will make this available to you. I am not sure if you have a copy, but I do want you folks to take a look at this. The real big question I have is the applicability and if, in fact, the property is not applicable to this article. So then everything in the article does not apply? I just read the Bill and that is true. We might have to change the language that for certain areas of the article do not apply, probably more specifically, the coastal erosion study. Mr. Imparato brings up a very good point. If it is not applicable, then it is done. The applicability does not just apply to certain sections of the article; it is the article. I think he brings up a very good point that for the properties that are not applicable, nothing applies, so then what do we revert to? That is one question. Mr. Chair, I do not need an answer today, but I think these the concerns that need to be addressed. The second one—how many amendments? Thirty (30) amendments so far collectively? Twenty (20)? Does that reach a level of substantial change? Again, not now, Ian. I think you have to go back and take a look. If it does require a trip back to the Planning Commission, that is one of the concerns of the public. I am just bringing it up. The third thing is the “rocky shoreline.” For the questions that came up, I think we need to clearly define what that would be. We will send it over and we can have that discussion. I think the more specific question and more important question for me is the applicability because it does say the article and not just sections. It means that the whole article does not apply.

Mr. Dahilig: I believe the intent was even in situations where an exemption is allowed, that provisions further on in the article, allow for public comment or public notification and those should be able to apply to even inapplicability determinations. I agree that that probably needs to be clarified.

Mr. Rapozo:

Thank you.

Mr. Hull: If I could add, I think there is some misunderstanding in the public as far as what is being proposed. Under the current Ordinance, it says “this article is applicable to all lands,” period, and just throws it all out there. The huge problem that the Planning Department is having is saying, “Okay, we regulate structures and we regulate uses.” But when you say it is applicable to all of these lands abutting the shoreline, that is a very broad and finite net you just cast. The fact of the matter is that there are hundreds, if not thousands, of uses of activities and structures out there that did not go through the proper channels as set up by the current Ordinance. But rightfully so, because then these uses are occurring one (1) mile away from the shoreline. They should not necessarily have to, but are they in violation of this Ordinance? Definitely. They come across the counter and say, “This is what I want to do; I want to set up a cattle fence at Kōloa Mill.” “Sorry, you are abutting shoreline property. This Ordinance right now casts a net over you. You have to go and do a mile-long survey.” That is the way it actually functions right now, and then trying to fix that situation—we are saying it is applicable to lands on which upon a structure is being proposed. There is no way in which the Department or the Director can wholly exempt the

property out. What you are doing is saying is that it is applicable to this structure and not applicable to that structure. No property is being pushed into a categorical exemption under the proposed amendments. I think that is some confusion that the public has with, as the term Ian used, "harmonizing" with the previous Ordinance.

Chair Furfaro: The more we get into this piece, the more it is obvious to me that there is a lot more work that needs to be done out of the full Council. At the same time, we have had a lot of participation from the citizens. As I have mentioned, and then Mr. Kagawa followed up, that by the time it does come to the full Council, I would like to see some calculations of what the interpretations are as an example for a piece of land use, and then I would like to see how those changes impact those interpretations. I would really like to say that I would prefer to send this back to Committee in three (3) weeks. If the Committee wants to continue to have some extended time to clarify some of these determinations, it is probably best that we do that. There are some clear interpretations that we need to know. We have great participation at the Committee level and getting it out, but we have twenty (20) amendments to get us to this Bill. That means that there may have been twenty (20) compromises to what different people in the group wanted. I want a real clear understanding. We have those challenges when we try to create work by Committee that we are not going to get everybody to the same understanding, but we must get everybody to the same interpretation and I do not think we have that right now.

The rules require me to continue to take public testimony, and then I am going to ask the members for a vote if they want to send it back to Committee. If people in the audience understand and want to give testimony, then fine, but it is my intention as Council Chair to take a vote to send it back to Committee. As I just spoke, I hope everybody in the audience heard what my intentions are. I am required to take additional testimony today, but I would prefer that in three (3) weeks we have this sent back to Committee and people can work with the Committee both in workshops and/or at the Committee level. I do not want to pass a Bill that some people interpret as "a one-hump camel" and other people interpreted it as a "two-hump camel." The camel has to have real definition as to a clear understanding. Is there anyone that wants to give testimony before I call the meeting back to order? Come right up.

CHRIS CONGER: Thank you, Councilmembers. My name is Chris Conger. I am a Coastal Geologist. I work for a local, Hawai'i based coastal engineering firm, Sea Engineering, Inc. I just have a few comments that I would like to make. First, I applaud you in reviewing your Ordinance and rules. I think it is very progressive in what you are doing. We work throughout the State and what you are currently have and currently proposing is without a doubt, the most progressive and most rigorous setback determination in State of Hawai'i. Mostly, I would like to focus on applicability. I think there has been a lot of discussion on "rocky shoreline" and I would like to clarify that "rocky shoreline" is defined in the current rules. It is "shoreline segment acting as the primary interface between marine-dominated processes and terrestrial-dominated processes. This is typically the area that is identified by the certified shoreline. It is the extent of the wash of the waves. It is composed of hard, non-dynamic, non-erodible material, such as basalt, fossil limestone, beach rock, and other natural non-dynamic material; not to include cobble and gravel beaches that are dynamic in nature or eroded cliffs or shorelines composed dominantly of dirt and clay." There is some very specific language there. As a Geologist, I interpret that to be hardened rock feature at *mauka* most limit of the wash of the waves, which is non-erodible. As a Geologist

working at a civil engineering firm, that is how I would interpret that. I know that there has been a lot of discussion on the exemption, so I will focus on that briefly. The exemption, I believe, adheres to Hawai'i Revised Statutes 205(a), which says that the department shall review the plans of the applicants who propose any structure, activity, et cetera. If you look at what is being proposed, it is not an exemption from the review. It actually requires that the applicant come to the department and submit a wavier application that the staff planners then determine first and foremost if it is within the area that should be reviewed under the new amendment that would be within five hundred (500) feet of the shoreline area. Then they would look at the evidence that is being presented by the applicant. Is it above twenty (20) feet in elevation? That is the first check. That is a nominal elevation above most of your wave activity. The second check is is it outside of the VE Zone as established by the flood inundation rate maps and those are your coastal high hazard areas. Those are areas where you have had previous tsunamis, hurricanes, or large storm events that have caused damage. It is a nominal elevation of twenty (20) feet, has no history or projection of these hazardous areas, and it is on a rocky shoreline. The three of those combined together with...

Chair Furfaro:
three (3) more minutes.

That is three (3) minutes, but I will give you

Mr. Conger: Thank you, Chair. The three of those together typically would remove you from any coastal hazards and the purpose of the shoreline setback is to move development away from those coastal hazards. Once that has been identified, then it goes to the Director. The Director reviews it and makes the determination. After all of that, you are not exempted from a shoreline setback. You are still given a forty (40) feet setback as a standard. That is applied at that point, and then any activity that you would want between that forty (40) feet and the shoreline would still require variance in all of the other review processes. What it really exempts you from is the shoreline determination and the setback determination based on that. It gives you a standard, rather than having to go through that full process.

Chair Furfaro:

Are you here on Kaua'i?

Mr. Conger:
and in all of the Counties.

I am based on O'ahu. We work Statewide

Chair Furfaro:

Did you send in your testimony?

Mr. Conger:

No, but I can provide it.

Chair Furfaro: Okay. I would like you to have the general address for all of the Councilmembers if you would like to send in that testimony.

Mr. Conger:

Certainly.

Chair Furfaro:
floor.

Councilmember Yukimura, you have the

Ms. Yukimura: I want to acknowledge that Chris has been part of our working group as a resource person with professional background, so I thank you for that, Chris. My question is that there has been concern that even if you had a rocky shoreline, which in lay perspective are just rocks at the bottom of a

cliff, that there would be erosion at the bluff or at the top. In your reading of rocky shoreline, does that qualify as a rocky shoreline if there is erosion at the top?

Mr. Conger: The definition of a “rocky shoreline” at the end, it is “erodible cliff shorelines composed dominantly of dirt or clay” and that is called out at end of the definition and those are excluded.

Ms. Yukimura: From rocky shoreline?

Mr. Conger: It is excluded from rocky shoreline. If you had a mixed substrate type shoreline where it is rocky at the base, and then clay dominantly above that where you have significant erosion problems; in my mind, that would not fall under the “rocky shoreline” definition from my perspective.

Ms. Yukimura: Okay. Thank you very much.

Chair Furfaro: Are you prepared to give us a copy of the material from what you just read?

Mr. Conger: Yes, Sir.

Chair Furfaro: Peter, would you make sure that we have a copy of that? JoAnn, do you have another question?

Ms. Yukimura: I just want to say that what he was reading is the definition of “rocky shoreline” in the present Bill, as amended. It is the intention that that would be the definition of “rocky shoreline” so that it is not an intention to exempt property that has erodible cliffs.

Chair Furfaro: I am not on the Committee and I did not see that definition. I thought being a Geologist, like a pastry chef, you would have brought the recipe for croissants. Is there any additional testimony that you have there?

Mr. Conger: No, Sir.

Chair Furfaro: Thank you, JoAnn. Go right ahead.

Ms. Yukimura: Chair, I just want to say that it is the professional definition of “rocky shoreline.” We went to the professionals to ask them for that so that we would have it accurate. But you are right about the recipe.

Chair Furfaro: Thank you. Questions for the testifier?

Mr. Kagawa: I just wanted to clarify that what I asked for was to give us some examples that the public can see. It is fine if we define it in words and use national standard definitions, but when it comes to an important Bill like this, it is good to have that visual “this is a rocky shoreline here on Kaua’i” and “this is not a rocky shoreline here on Kaua’i.” I think just having that visual for such a contentious point is worthwhile. That is all I am saying.

Chair Furfaro: I think that is the clarification I gave to the Planning Department when I referenced your expectation. Would you like something that talks a little bit about the soil makeup in the bluff going up?

Mr. Kagawa: No, I think his definition is great, but I think there are clearly a few examples that they can pull up that would show some shorelines that one could stretch the law and say it is a rocky shoreline, but it is actually not. If we could just show a few examples in three (3) weeks— I think that is ample time for them to find a few examples.

Chair Furfaro: Could we impose on you for some *kōkua* for those kinds of examples as well?

Mr. Conger: Yes, Sir.

Chair Furfaro: Okay. You can work with Peter Morimoto on that from our office. Mr. Rapozo.

Mr. Rapozo: Now that we have the expert here— “mean sea level”... how do we determine “mean sea level?”

Mr. Conger: It is a national geographic standard. Here on the island, we have a local mean sea level that is calculated. It is out of Nāwiliwili Harbor. We have a tide gage there that has been referenced to a benchmark adjacent to it. We know relative to the tide gage, the elevation of that benchmark. We used the last epoch, which is a nineteen (19) year cycle. The National Oceanic and Atmospheric Administration (NOAA) does the calculation. It takes the entire historical tide record for Nāwiliwili and calculates mean sea level. It is the average of the sea levels over that nineteen (19) year period for Nāwiliwili. The island of Kaua‘i itself is all elevations are based relative to that local mean sea level elevation at Nāwiliwili.

Mr. Rapozo: Okay. As a student pilot, wherever you take off from an airport, you have to set your altimeter to the sea level of the airport that you are at just so that you do not run into a mountain because you think you are higher than you actually are.

Mr. Conger: Right.

Mr. Rapozo: What I have noticed was on some airports, the sea level is not the same of the height of the parcel to the water. I do not know if I am making myself clear, but let us say twenty (20) feet mean sea level could actually be lower than twenty (20) feet from the standing water.

Mr. Conger: The standing water?

Mr. Rapozo: Yes.

Mr. Conger: Right.

Mr. Rapozo: As you were speaking and I am reading this thing, it came to my mind that you could actually have a plot or a lot that is maybe eight (8) feet or twelve (12) feet from the water, but if you put your altimeter, it will say twenty-four (24) feet.

Mr. Conger: An altimeter works on pressure, so it is a response to air pressure upon it. Fourteen point seven (14.7) pounds per square

inch (PSI) is the weight of one (1) atmosphere and your relative pressure change, as you move less weight from fourteen point seven (14.7), gives you a relative elevation to what it thinks zero is at sea level. If pressure differences in the atmosphere that day or locally can make a big difference on an altimeter. The differences between sea level and the tide gage is that the tide gage is inherently tied to the water level, so pressure differences in the atmosphere will not affect the water level differences and elevations that are based off of it.

Mr. Rapozo: So how can be assured that twenty (20) feet, in fact, is twenty (20) feet?

Mr. Conger: That is where the Surveyor comes in. A professional licensed Surveyor has access to the benchmarks that are located around the island and those benchmarks all have elevations that are relative to the water level at Nāwiliwili. They will work their way into a known elevation, and then identify the elevations.

Mr. Rapozo: So we should not have any issues where the surveyor says it is twenty-one (21) feet, and then it is eight (8) feet?

Mr. Conger: Right, because a Surveyor will not use an altimeter.

Mr. Rapozo: Okay. I got it. Thank you.

Chair Furfaro: Those are the common tide charts that even our island fishermen use when they...

Mr. Conger: Yes, Sir. They are all tied to those.

Chair Furfaro: I went to Captain Henry Gomes and his tide chart. He would read off of Nāwiliwili to determine when he was going to go out to plant his *hauna*. Local knowledge is important. Go ahead, JoAnn.

Ms. Yukimura: Since you are here, is there any problem with landscaping on a twenty (20) feet cliff? There was talk that by exempting these properties that meet those three criteria out of the Federal Emergency Management Agency (FEMA) maps, twenty (20) feet high and rocky; is there any issue with landscaping along the shoreline?

Mr. Conger: I do not think it exempts them from the variance process. If I read it correctly, it exempts them from going through having to get a certified shoreline, having to go through...

Ms. Yukimura: No, it exempts them from anything in the Bill except the forty (40) feet minimum, so I was assuming that there is no landscaping issue when you are in those three criteria but that is what I am asking.

Chair Furfaro: Is that something that we could do when we send it back to Committee?

Mr. Conger: Yes, Sir. From a geologic perspective, no.

Ms. Yukimura: Okay. Thank you.

Chair Furfaro: Are you available to JoAnn and her working group?

Mr. Conger: Yes, Sir.

Chair Furfaro: Very good. Welcome to Kaua'i and thank you for your *kōkua*.

Mr. Conger: Thank you, Chair.

Chair Furfaro: Are there any other questions for the gentleman? Mr. Chock.

Mr. Chock: Thank you, Chris. I just wanted to get to that point that was made earlier about the variables and how many there are. There are hundreds of different variables. Particularly, when you talk about the rocky shoreline, as I was looking at some areas on the island like the Nāwiliwili and Kalapakī area and how you might have a rocky shoreline on a property that gradually moves to which you would not consider a rocky shoreline, but still on the edge of a cliff, which I think a lot of community members are having issues with with respect to specific properties or proposed properties that might end up on the edge of that cliff. I think the request is that we get as many of those examples so that not only can we make a determination of what should be or should not be, but also that as we read the Bill, and anyone that reads the Bill; it would be very easy to decipher and make a decision on. To me, if it is as complex as it is, that just opens us up more for interpretation. I am looking forward to making those continued distinctions, even if we have been working on it for such a long time and need to continue and go back to the drawing board.

Chair Furfaro: Chris, thank you very much for pointing out the many variables and things that we need to clear up. Thank you very much.

Mr. Conger: Thank you, Chair.

Chair Furfaro: Members, I am going call the meeting back to order. As the Chair, I would like to exercise my right to send an item back to Committee for further work. I would like to see if I could get at least four (4) concurrent votes. Before I do, I would like to see if I can get a motion to return it, and then have further discussion.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Kagawa moved to refer Bill No. 2461, Draft 1 to the Planning Committee in three (3) weeks, seconded by Mr. Hooser.

Chair Furfaro: The date is May 7th for Committee. Did the audience hear that? On May 7th, it will be coming back. Discussion?

Ms. Yukimura: Given that we are in budget, I would like more time.

Chair Furfaro: What is two (2) weeks after May 7th?

Mr. Kagawa: Five (5) weeks?

Ms. Yukimura: Yes.

Ms. Fountain-Tanigawa: June 4th.

Chair Furfaro: Mr. Kagawa, if you would like to amend your motion, I will give you that opportunity.

Mr. Kagawa amended the motion and moved to refer Bill No. 2461, Draft 1 to the Planning Committee Meeting on June 4, 2014, seconded by Mr. Hooser.

Chair Furfaro: Thank you. Further discussion? JoAnn, go right ahead.

Ms. Yukimura: I fully acknowledge that there are issues yet that have to be further refined, so I really concur with referring this back to Committee. I want to thank everybody who has been involved in this. So far, it has been a long journey and we have some more to go, but it is getting better and better. I also wanted to take a certain amount of personal privilege to respond to the accusations that I have manipulated amendments to Bill No. 2461. The working group, which included the development interests, the community interests, the Planning Department, and professional experts from Sea Grant and people like Chris, have had over eighteen (18) extensive meetings for over one (1) year on possible amendments to Bill No. 2461. Barbara Robeson and Caren Diamond were at almost all of the meetings, and at the last meeting, thanked me profusely. I have initiated several provisions myself that have strengthened and I did introduce the original existing law, which to-date is still the most progressive law on the books. I have listened over and over to community concerns and have responded, I feel, every time a concern was raised. I have myself constantly reflected on whether the law is protective enough. You have a copy of the E-mail that I sent out Monday night after Friday night going to Nāwiliwili, Ninini Point, and asking about whether twenty (20) feet was sufficient when I was walking with my husband and daughter. I really want to clarify that it has not been a manipulation in any way. I want to acknowledge Fern Rosenstiel, who instead of jumping to conclusions, actually texted me and asked me for background on the issue. I just want to say that I am more than willing to keep working on this, but it has been from the viewpoint of trying to make this the most protective Bill for the shoreline for our community into the future.

Chair Furfaro: Mr. Kagawa, you have the floor.

Mr. Kagawa: Thank you, Mr. Chair. I think this is a complex Bill. They said that Kauaʻi is the most progressive when it comes to shoreline setbacks, so I applaud this group for taking this challenge on. My coach always told me, "Keep it simple, stupid." When you have a complex bill, you normally want to follow other Counties in their successes, but we are being first. We are trying to do the right thing for the community and I applaud that because this is an issue that we cannot wait for others. We are seeing on the north shore in Oʻahu, walls falling into the water and swimming pools disappearing. I think this is a progressive step to identify the shoreline. Thank you, Ruby and Chris. We have the professionals here that is going to help us have the most fair and reasonable bill that we can come up with. I will support going back to the Committee. I think good

things come when we work harder and that is what we have to do; put a little more work into it and find a little more compromise. I just want to reiterate, as Chris said, this is a shoreline protection Bill for homeowners, developers, and community. This is not a Bill to identify what is an eyesore out there or what have you. Those developments must be stopped at the Planning Commission. If the community does not want certain developments, that is the time to stop it. This is a shoreline protection Bill. This is not about what developments should be where. I just want the community to be aware of that, that we need a strong Shoreline Setback Bill and not a "what goes where with development bill." Thank you.

Mr. Hooser: Thank you to everyone who has worked so hard on this, especially Councilmember Yukimura. I know that this is an issue near and dear to her heart and that she is doing her best to come up with a solution that will satisfy everyone, I think, in the end, and most importantly to protect the resources that we all value so dearly. I do have to say though that it is very difficult and I will be unable to support any bill that moves forward that lessens benefits to the community as a whole. While it may primarily be a beach erosion, beach protection, and shoreline protection measure; it does have additional impacts on the community and on our natural resources, and those impacts have to be considered also whether they are visual, whether they are setbacks for buildings, whether the preservation of coastal access; lateral access. The law currently says that if the public cannot walk safely along the coastline, then the County is supposed to establish walking rights or traversing paths, if you would, on the cliff above that coastline. That is the law. Where those setbacks are is important to public access, preserving view planes, and of course dealing with beach erosion and that type of thing. I think we need to look very closely at this. I do not know the number exactly, but ninety percent (90%) of the land in our community, private land, is probably owned by five (5) companies and ninety-nine percent (99%) of the people count on us to preserve what they have now and to expand it when appropriate in terms of beach access and preservation of natural resources. I applaud the effort. I agree that it needs additional work; significant work, perhaps. I look forward to helping Councilmember Yukimura and the Chair of the Committee as best I can and move this issue forward. Thank you.

Chair Furfaro:

Mr. Chock.

Mr. Chock: Thank you. I am happy that it moved forward for us to continue the discussion. I am happy that it is moving back to Committee for more work. I think what I would like to focus on is more on the process, not taking away anything that anyone has done. I really appreciate the many hours that all of these experts have put into it, but maybe as we move back towards come back together as a group, is to look at what we might change differently in working together to come up with a different solution or an approach where everyone is more amenable to move forward on a bill. That would include also communication to the community and educating them about the complexities of it so that they can also buy into what it is that they might be signing up for. There are some areas that I think definitely have been spoken to. Section 3(a)— the applicability, the bright line exemptions. Most of all, the testimony by Barbara Robeson, which we can send this on to Planning as well in terms of whether or not it meets the legal standards of HRS. I will be following this as well. I am happy to learn more about it as we continue. Thank you.

Chair Furfaro:

Mr. Rapozo.

Mr. Rapozo: Thank you, Mr. Chair. We have sent over a request, Mr. Chock, to Ian—I do not know if you got it yet. Barbara Robeson, as well as... there were several testimonies that questioned the legal basis or if, in fact, we met compliance with Chapter 205(a). So that is in progress now. The State Constitution and Chapter 205(a) mandate the Counties for protecting our resources, view planes, shorelines, and all of these things, but I think it is important that we understand that Chapter 205(a), as well as the Constitution, requires the Counties to set the tools or create the tools to make sure that happens. It is not just the shoreline protection Bill; it is also the SMA laws and the building permitting process. I think Mr. Kagawa actually said it best that we, as a County, have to utilize all of the tools in concert and it is the abuses of the past that have created this problem that, in fact, the north shore suffers. I have been there. I have seen it. I have walked it and it is actually pretty horrific and maybe the State has now stepped it up and started to clean up some of that, but a lot of issues on the north shore do not apply to the south shore or does not apply to the people that are building structures on the west side of the island. That is where we, as decision makers, have to make sure that we have all of the data and information because you do not want to create a law that satisfies one neighborhood, and then creates a detrimental scenario for another. That is the sense I am having right now. You do not want to “throw the baby out with the bath water” I guess is what I am trying to say. It is a delicate situation because it is so bad out on the north shore; it is horrific. I cannot remember who said it that the zoning or planning... maybe it was Ross—that is where we have to start to really clamp down. Allowing structures on the north shore to include their bottom areas and rent it out—yes, that is a coastal hazard issue, but the fact is that we allow them to operate like that. There are existing laws that say you cannot do that. Again in concert, it is all of the tools we have in our toolbox. It is the SMA, like I said; Building Division and Planning Department. Everyone throughout the process has to do their job and this Bill should be specifically targeted to coastal hazards. If it does not—if you are in an area where there is no hazard, then good for you. But if you are in an area, then you should not be allowed to build by any stretch, by any variance, or by any kind of exemption. You should not be able to fall back on that. I look forward to the dialogue, Mr. Chair, in the Committee. Chris Conger—are you like some athlete? Your name sounds familiar for some reason. Are you a former star or coach? I do not know what it is and maybe I will Google it, but that name does ring a bell. I appreciate you being here today because as we pass laws, science based data is so valuable for us. Thank you very much, Mr. Chair.

Chair Furfaro: Anyone else before I speak? Chris, being a Geologist, may have won some awards for maybe wrestling in the dirt or something. Chris, I appreciate the support that you gave. I want to say that I do not think there is anybody in the Council politically that has served as many years with an individual like I have with JoAnn. I have served twelve (12) years with JoAnn and I want to apologize for some of the comments that were sent, but I want you to know that I do know you and you have passion for things. You focus on trying to do the right thing, for the right reason, for the right people and I just want to publically say that I will continue to support you and your work. I do not agree with you all of the time and our offices and right next to each other. Thank you for your work on this Bill. For those of you in the audience that have volunteered and so forth, I would just like to you please be patient and continue as volunteers to participate and so forth because government is based on people who willingly contribute... Planning Commissioners and Police Commissioners on a volunteer basis and one thing you have to remember about volunteers is that you cannot fire

them, they just quit. Do not quit on this. We are going to do the best job we can. I know JoAnn will lead it that way.

Ms. Yukimura: I know the citizen representatives will not quit on this, too, thankfully.

Chair Furfaro: I just felt that I needed to say that.

Ms. Yukimura: Thank you, Chair.

Chair Furfaro: Their work up to this point is very, very much appreciated.

Mr. Rapozo: I would like a moment of personal privilege. I just Googled Chris Conger. He is easily the head coach with the most wins in the history of Lake Forest College basketball program and currently the coach and has been recognized by all kinds of stuff. He is actually ranked second in the Mountain West Conference and that is probably where I heard it when I watched the University of Hawai'i play Lake Forest. He is still a coach today. I do not know if he is here on break or what, but thank you.

Chair Furfaro: I would also like to say thank you to everyone for their support on referring this to the new date, which is?

Ms. Fountain-Tanigawa: June 4th.

Chair Furfaro: Okay. May I have a roll call vote on this, please?

The motion to refer Bill No. 2461, Draft 1 to the Planning Committee Meeting on June 4, 2014 was then put, and carried by the following vote:

FOR REFERRAL:	Bynum, Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 7*,
AGAINST REFERRAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Bynum was not present but shall be recorded as an affirmative for the motion.)*

Chair Furfaro: This will be referred to the June date as such. I also want to make an announcement over here. We have a lot of cover, including a recall of an Executive Session, which is now at 3:30 p.m., so I would like to get as much as I can get done on the agenda until we go back into the recessed Executive Session. Do we want to cover Mr. Rapozo's item first, and then Mr. Dill has two items that I would like to take back-to-back.

C 2014-112 Communication (04/01/2014) from Councilmember Rapozo, requesting Council consideration of the following, relating to the National Association of Counties (NACo) Dental Discount Program and Health Discount Program, which will offer residents who are uninsured affordable alternatives to paying full price for health and dental care services:

- 1) Request for approval to enter into a contract with Careington International Corporation, for the NACo Dental Discount Program;
- 2) Request for approval to execute all appropriate documents to implement the NACo Health Discount Program;
- 3) Request for approval to indemnify Careington International Corporation and Caremark PCS Health, L.L.C.;
- 4) Request for approval to execute all other appropriate documents to effect the NACo Health Discount Program and the NACo Dental Discount Program for the County of Kaua'i; and
- 5) Provide the County Clerk with the authority to sign any and all documents relating to these programs.

Mr. Kagawa moved to approve C 2014-112, seconded by Ms. Yukimura.

Chair Furfaro:

Mr. Rapozo, I will turn the floor over to you.

Mr. Rapozo: Thank you. I will be very brief and I think we have a PowerPoint on this ask. We are all very familiar with the NACo prescription drug program that was initiated back in 2007, if I am not mistaken. The prescription drug program Statewide has offered us great, great savings throughout the State. I am not going to waste the time trying to look at this, but the information is available if you want to look. It is tremendous savings for people that are not insured or, in fact, I think we need to market it a little more. The bottom line is that the prescription drug program has served a very good purpose throughout the Country over the years. NACo has expanded their offerings or their benefits to a health discount program, as well as a dental program. What I am seeking today is an approval by the County so that we, on Kaua'i, and all the other Counties are doing the same thing; but we want to make this a Statewide effort. This is an opportunity for our residents of Kaua'i to participate.

I will go over the health discount program really quick. Just some of the stats: over one hundred million (100,000,000) Americans lack vision insurance. They have a vision component. Vision care is not included in the Affordable Care Act and sixty percent (60%) of adult Americans wear glasses or contact lenses. Discount programs are a great way to offer discounted, negotiated rates for service without the commitment of insurance. This is not insurance and we need to remember that, but we do offer discounts in vision care prescriptions, prepaid lab, prepaid diagnostic imaging, Photorefractive keratectomy (PRK) and Laser-Assisted Sub-Epithelial Keratectomy (LASEK), diabetic supplies, and hearing. It is for everyone; individuals, families, single parents, empty nesters, and caregivers with parents over sixty (60) years old. Anyone that does not have access or cannot pay for auxiliary insurance— this is a mobile benefit, so wherever you are at, you could be on vacation in the mainland, except in the states that are red, which is Washington, Utah, Alaska, and... my geography is not that good, but it is a small State on the northern east coast. For the health care, the individual coverage is six dollars and ninety-five cents (\$6.95) a month or sixty-nine dollars (\$69) for the entire year. For a family program, which includes everyone in your household up to

the age of twenty-six (26), you pay eight dollars and ninety-five cents (\$8.95) or seventy-nine dollars (\$79) a year. There are no annual limits, no claims to file, and no waiting periods. You use it as often as you want. The great thing about these programs as well is that you can sign up for the membership, get your benefit, and then you can quit. It is not long-term. These are just the benefits. It is in your packet and I will not go over each one because it will take too much time, but I think the key ones are the thirty-five (35%) of retail price of frames with purchase of a complete pair. You also have seventy-five percent (75%) of average savings in the prescription program. These are your typical rates: Magnetic Resonance Imaging (MRI), Computed Tomography (CT) scans—these are the common ones that most of us, as we get older, need to take. If you look at what the savings are, it can be substantial. Again, these are for people that do not have insurance or cannot afford insurance. The vision network—again, as I talked about, we have participating providers throughout the State. No limit to the number of visits, no waiting period, and no paperwork to file. You just show up with your card and you get the discounted benefit. It includes the largest national networks of independent audiologists for the hearing network. Again, these are just some of the benefits. If you look at the lab and diagnostic network as I talked—about forty percent (40%) to seventy-five percent (75%) of MRIs and CT scans and twenty percent (20%) to seventy percent (70%) off of blood tests. Some of us take this for granted because we have medical, but for those that do not, it is difficult and they often time goes without. This is just one way that NACo has decided to offer the benefits to our members throughout the Country. The members would get an identification card that they just take to the provider. If County does accept it, we market it, and then the residents can just go online and sign up. We do not administer the program; NACo does and they do it all online. You can start doing that today. This is for the health discount program.

The second one was the dental. I am actually really excited about the dental program because there are a lot of people that do not have dental insurance. You will see that NACo and Careington have created the dental program. Again, it is six dollars and ninety-five cents (\$6.95) a month, fifty-nine dollars (\$59) a year or eight dollars and ninety-five cents (\$8.95) a month for the family rate or sixty-nine dollars (\$69), so there are little savings if you go for the annual coverage. Five percent (5%) to fifty percent (50%) on dental procedures. Savings of twenty percent (20%) on normal fees for all specialties and can be used in participating dentists... this thing by going by itself. I am not touching it. Again, periodic regular cost forty-nine dollars (\$49). With this card—it is twenty-four dollars (\$24). Bite wings, which is four (4) films your x-rays—our members pay only thirty-one dollars (\$31). Prophylaxis, which is your fillings—forty-eight dollars (\$48). Amalgam—that is another filling that is ninety-nine dollars (\$99). Anyway, the crowns—six hundred dollars (\$600)... that is like my co-pay on my crown, so I am not going to use my medical on my next crown; I am going to use this because it is cheaper to go with this than with the co-pay on my dental coverage. Of course, root canals and so forth. Again, existing medical conditions are fine. You can go there with a cavity today and use this if you do not have insurance. No waiting. No administrative forms. The family plan includes all family members and anyone living with you. Again, unlimited number of visits. The County residents—same thing; they go online and it is managed through NACo and not us. They get a card, they go to the participating dentists, which there are a few on Kaua'i. I did check. There are a bunch of dentists on Kaua'i that will honor this card and they will get the discounted rate at the time of service. You can register online. They can use it as often as they need to. It is important that people know that it is not insurance. They can use this discount whenever they travel away from home. Of course, all of

this stuff is for the County. Anyway, that is the dental side. It is very self-explanatory. You can turn that thing off because it is possessed. What I am asking for is the support of the County like we did with the prescription drug program and hopefully we will get Statewide participation and offer this benefit to all of our residents. I am available for any questions if you have any.

Chair Furfaro:

Go ahead, JoAnn.

Ms. Yukimura: This is terrific, Mel. Thank you for bringing it back home. I just want to be clear though that there are no County moneys involved here, right?

Mr. Rapozo: Absolutely no County money. All of the materials, marketing, the cards, and all of that are paid for by NACo. We get that free. We do not even pay for shipping. All of the support and technical assistance is provided by NACo. We pay our dues to NACo and we are a member of NACo. This is just one of the benefits. Just for everyone's comfort levels, we did send over a request to make sure that it meets the legal sufficiency for the County to endorse this program. That is in the works and I am not sure if we got a response yet. I guess I would be asking for a conditional approval or approval subject to the approval by our County Attorney's Office. But yes, absolutely no County money.

Ms. Yukimura:

Thank you.

Chair Furfaro:

Mr. Chock.

Mr. Chock: I just wanted to verify that this program is for everyone in the island. Anyone can sign up for this?

Mr. Rapozo:

Everyone...

Ms. Yukimura:

Who does not have insurance.

Mr. Rapozo: Yes, or like I said, in my case it is cheaper than my co-pay for a crown. You could if you choose to. More specifically, it is targeted to the people who do not have insurance or cannot afford insurance.

Ms. Yukimura:

Thank you.

Chair Furfaro: Anyone else? If not, I want to extend a thank you to you, Mr. Rapozo, for bringing that to the attention of our community and "bringing it home" as JoAnn said.

Mr. Rapozo: You are welcome. Again, it is NACo. They spend a lot of time and money trying to bring benefits to all Counties and I am just happy to be able to bring this back. Thank you.

The motion to approve C 2014-112 was then put, and unanimously carried (*Mr. Bynum was not present*).

Chair Furfaro: I would like to continue with some business because we need to be in continuation of our Executive Session at 3:30 p.m. I have Larry here for three items.

Ms. Fountain-Tanigawa: There is the Legal Document on page number five and two (2) traffic Resolutions.

Chair Furfaro: Okay. Can you bring us to our next item, please?

LEGAL DOCUMENT:

C 2014-113 Communication (03/17/2014) from the County Engineer, recommending Council approval of the following conveyances by Kaua'i Lagoons LLC and Mori Golf (Kaua'i), LLC to the County: 1) improvements constructed by Kaua'i Lagoons LLC at the Lihu'e Wastewater Treatment Plant (WWTP) to upgrade the WWTP effluent to R-1 water quality for Reuse purposes, 2) an effluent injection well situated on Kaua'i Lagoons LLC property for use by the County, along with 3) the associated access easement needed for operation of the injection well:

- Dedication Deed for Sewerage Improvements (Lihu'e Wastewater Treatment Plant R-1 Reuse Upgrade), concerning Tax Map Key (TMK) No. (4) 3-5-001:027 (por);
- Conveyance of Sewerage Improvements (Kaua'i Lagoons Resort Disposal Well, UIC Permit No. UK-1554), concerning TMK No. (4) 3-5-001:027 (por); and
- Grant of Access Easement (Easement A-1), concerning TMK No. (4) 3-5-001:027 (por).

Mr. Kagawa moved to approve C 2014-113, seconded by Mr. Rapozo.

Chair Furfaro: Jodi, are you here for this item as well?

There being no objections, the rules were suspended.

JODI A. H. SAYEGUSA, Deputy County Attorney: Yes I am. I am here to answer your questions. Basically, these three (3) documents are the last remaining items for the agreement partnership that was between Kaua'i Lagoons and the County where Kaua'i Lagoons agreed to do certain improvement upgrades to our Lihu'e Wastewater Treatment Plant, and that is to improve the quality of the effluent that they accept from R-2 to R-1 so they could be able to apply it to more areas on Kaua'i Lagoons and accept more of the effluent. The improvements were accepted by the County on September 5, 2013. Public Works and the County did the final inspection and found that the improvements are acceptable, accepted them, and so now this is the formal document just to convey it back to the County. That is the Dedication Deed for the improvements. The second document is a Conveyance of Sewage Improvements and that is for the injection well. I think that was a result of one of the prior agreements that required Kaua'i Lagoons to deepen the injection well. That has been done, so now it is the formal document conveying that to us too. Finally, there is the Grant of Access Easement, which gives the County an easement so we can go and operate and maintain that injection well.

Chair Furfaro: Maybe this question is for Larry. Larry, this is not a new injection well; this is to deepen the existing well?

Mr. Dill: That is correct.

Chair Furfaro: Are there any other questions?

Ms. Yukimura: I do not have a question. I just want to say that this was a real “win-win,” so I appreciate the work on it.

Chair Furfaro: Anymore questions?

Mr. Rapozo: I have a question and it is probably minor, but only because I am a notary I look for these things. On the dedication deed, which was signed by “Timothy somebody,” they did not put a date on the agreement. Why would they not put a date on the agreement?

Ms. Sayegusa: I would think that they should.

Mr. Rapozo: Like I said, as a notary, I would not notarize it if it was not dated. It seems interesting because the notary put on the document, “not dated.” That is kind of interesting.

Ms. Sayegusa: So we are before you folks today to get the approval for the acceptance of it and the documents will then be routed for execution, and that is something that I will definitely keep an eye open for and maybe have to send back.

Mr. Rapozo: I do not think it is critical, but it was signed by several people, but the execution date is blank which is interesting so make sure that they fill that out. Thank you.

Ms. Sayegusa: Okay.

Chair Furfaro: Excuse me, Larry. Do you have any rationale on the lack of a date there?

Mr. Dill: No, I do not.

Ms. Yukimura: It probably is the day when the Clerk signs, which is the final date of execution where it becomes effective maybe.

Mr. Rapozo: That is not the case, JoAnn.

Ms. Yukimura: Okay. I am not a notary.

Mr. Rapozo: No, it is not the notary thing, but it is that they each have signature pages that get dated on the date they get signed. “Timothy whoever” signed his on a date that we just do not know. Like I said, it is probably minor but I am just being “Mel Rapozo” I guess.

Chair Furfaro: Could you look into that?

Mr. Dill: Certainly.

Chair Furfaro: Just ask the question. JoAnn, do you have anything more to add?

Ms. Yukimura:

No. Thank you.

Chair Furfaro: Anymore questions? If not, is there anyone in the public who wants to testify? If not, let us move on to our next item. Thank you, Jodi.

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2014-113 was then put, and unanimously carried. *(Mr. Bynum was not present).*

There being no objections, Resolution No. 2014-18 was taken out of the order.

RESOLUTIONS:

Resolution No. 2014-18 – RESOLUTION AMENDING RESOLUTION NO. 141 (1975) BY REMOVING AND ESTABLISHING SCHOOL BUS STOPS ON PIKO ROAD, LAWA'I RIDGE ESTATES, KOLOA DISTRICT: Ms. Yukimura moved for adoption of Resolution No. 2014-18, seconded by Mr. Kagawa.

Chair Furfaro: Larry, the rules are suspended. Do you have a presentation for us?

There being no objections, the rules were suspended.

Mr. Dill: You have all of the information before you. I do not really have much to add to the presentation. These bus stops are either new or relocated bus stops that are done in response to the requests that we get from the community, as well as the Department of Education Bus Transportation Coordinator. They are pretty straightforward and we are just complying with the request that we received. We check them out to make sure that from an engineering standpoint that we do not see any safety issues. This first one up here is by Waimea High School. This is the high school property right in this area and proposing a bus stop not far way, over in this location here.

Chair Furfaro: Are there any questions members? Go ahead, Mr. Kagawa.

Mr. Kagawa: This bus stop is to service the middle school? Normally, you have to be half a mile or something to get bus service. I know that Waimea does not have an elementary, right? They go to Kekaha?

Mr. Dill: That is my understanding.

Mr. Kagawa: That maybe the bus stop for Kekaha Elementary? It was requested by the Department of Education?

Mr. Dill: Yes.

Mr. Kagawa: Thank you.

Chair Furfaro: Good observation. Are there any other questions? Do you have anything to show us on Resolution No. 2014-19?

Mr. Dill: Yes, the map is on the wall before you as part of the Resolution.

Chair Furfaro: Okay. Are there any questions for Mr. Dill?
Go ahead, Mr. Kagawa.

Mr. Kagawa: Thank you, Larry. We are eliminating the bus stop by Konishi Road. Why is that?

Mr. Moule: Michael Moule, Chief of Engineering. Based on the request from the Department of Education, they stated that the existing location is an unsafe place to children to wait and the proposed location is a safe place. I have not been to this site, but I checked it in street view because I was not involved when this Resolution was sent out. I looked at it and I agree with that by just looking at the street view.

Mr. Kagawa: That is an excellent answer, Michael. That is the kind of answers that we want to hear that it is going to be safer for our kids. Thank you.

Chair Furfaro: I had the numbers wrong. This is Resolution No. 2014-18, Scott? Ross, I know that you know the place like a back of your hand. I referenced numbers and I had them inverted. Any further questions? If not, can I have a roll call?

There being no objections, the meeting was called to order, and proceeded as follows:

The motion to adopt Resolution No. 2014-18 was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 7*,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Bynum was not present but shall be recorded as an affirmative for the motion.)*

Resolution No. 2014-19 – RESOLUTION ESTABLISHING A SCHOOL BUS STOP ON MAULE ROAD, WAIMEA DISTRICT, COUNTY OF KAUAʻI: Mr. Rapozo moved for adoption of Resolution No. 2014-19, seconded by Mr. Kagawa, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 7*,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Bynum was not present but shall be recorded as an affirmative for the motion.)*

Chair Furfaro: Are we done with Mr. Dill for the day?

Ms. Fountain-Tanigawa: We do have one item and I am not sure if the Council wants to handle it in open session or if they need an Executive Session briefing.

Chair Furfaro: Item and page number, please.

Ms. Fountain-Tanigawa: This is on page 4, item C 2014-111.

COMMUNICATIONS:

C 2014-111 Communication (03/28/2014) from the County Attorney, requesting Council authorization to expend funds up to \$20,000 to retain Special Counsel to represent the County of Kaua'i in In Re Application of County of Kaua'i for a Contested Case Hearing, regarding National Pollutant Discharge Elimination System (NPDES) Permit No. HI 0020257 and Zone of Mixing Permit No. ZM-30 for the Wailua Wastewater Treatment Plant located in Wailua, County of Kaua'i, State of Hawai'i, and related matters: Ms. Yukimura moved to approve C 2014-111, seconded by Mr. Kagawa.

Chair Furfaro: Larry and Jodi, is there any reason that you would want us to pursue an Executive Session before we vote on this?

There being no objections, the rules were suspended.

Ms. Sayegusa: Well, if there are questions about the details of the Contested Case or any of the claims, then I would actually rather it be done in Executive Session. Real briefly about the case, basically we do have an existing NPDES. It is a National Pollutant Discharge Elimination System Permit and Zone of Mixing Permit. It is a brand new permit. We had a previous one that was extended over years and years since 2008, I believe, and with very little notice we were issued a new permit that presents some problems so we filed a Contested Case. Really, the Special Counsel would be available to us as an expert in the field of Environmental Law and sort of as a safety net because there is a lot at stake with this issue.

Chair Furfaro: Members, it is your choice if you want to get a briefing in Executive Session and/or any questions that would not give us any additional exposure at this time.

Mr. Hooser: I just have some questions. I do not need details that will expose us to anything. The permit is for the County to discharge waste?

Ms. Sayegusa: Yes.

Mr. Dill: If I may, the Wailua Wastewater Treatment Plant has an ocean outfall. The primary disposal of the treated effluent is to send it

to the Wailua Golf Course as a backup that we have an ocean outfall. It is not "waste," it is treated effluent.

Mr. Hooser: Okay.

Mr. Dill: This permit allows us to discharge under certain conditions, treated effluent to the ocean off Wailua Golf Course.

Mr. Hooser: Okay. We have a permit for Wailua that allows us to discharge the treated effluent into the ocean and the conditions of that permit had been changed.

Mr. Dill: Yes. These permits come up for renewal every once in a while on a regular basis, so with the renewal, they gave us some, as we feel, burdensome, onerous, and inappropriate conditions.

Mr. Hooser: And "they" being?

Mr. Dill: The Department of Health Clean Water Branch.

Mr. Hooser: Okay. The Department of Health changed the terms of our permit and we are contesting the change of those terms?

Mr. Dill: Essentially

Mr. Hooser: Okay. Thank you.

Chair Furfaro: Under no circumstances at any point, our permit was extended and it never lapsed. We just got new conditions. Is that what I am hearing?

Mr. Dill: That is correct.

Chair Furfaro: But it never lapsed?

Mr. Dill: It never lapsed... well, the old one expired...

Chair Furfaro: But it was renewed?

Mr. Dill: Correct.

Chair Furfaro: Okay.

Mr. Dill: So we were never without a permit.

Chair Furfaro: JoAnn.

Ms. Yukimura: I understand that at least two (2) other Counties had a similar situation and is responding similar to us as well?

Ms. Sayegusa: Yes.

Ms. Yukimura: It was just a thought, so it is not a question but a suggestion of whether you have looked at consolidating the cases and doing things together to save costs.

Ms. Sayegusa: We have been working with Hilo on certain claims. The permits are different, so they are contesting different terms. To the extent that there is similar analysis, we have been working with the Hilo Wastewater Treatment Plant who is in the same boat as us.

Ms. Yukimura: Okay. Excellent.

Chair Furfaro: Mr. Hooser, you have the floor again.

Mr. Hooser: Again, I will try to talk around it so we can talk publicly. Are we being asked here to approve the decision to contest or to fund a decision that has been made to contest?

Ms. Sayegusa: The approval is for the hiring of Special Counsel as a resource to us.

Mr. Hooser: Because it might be— I will just do a hypothetical.

Mr. Dill: We have filed a Contested Case Hearing already.

Mr. Hooser: So it might be that the conditions of the permit that we are being asked to do would result in cleaner water, just hypothetically, being discharged into the ocean, which would make it better for the ocean, theoretically, and better for the fish and reef, but would increase our costs. Again, hypothetically, if that is it the decision that is being made then I would want to know about that before I approved funding to fight it. I hope everybody understands.

Chair Furfaro: We understand. Here it is in an algebra formula: it costs us “x” amount of dollars to appeal and what does it cost us to comply?

Mr. Hooser: And what are benefits that the Department of Health sees in the requirement to comply?

Chair Furfaro: Yes.

Mr. Dill: That is a good question and a lot of what we are wrestling with. We do not take lightly our charge to maintain water quality. The reason we are filing this Contested Case is because we feel that the basis of these permit requirements is not justifiable. It would result in higher water quality, but at some point you reach a point of diminishing return and that is an oversimplification of the issue at-hand. We feel that there is certainly a way to protect the environment more than sufficiently without going to the demands that they are putting on us with these permit conditions. I think the cost for the Contested Case Hearing would be much, much less than the fulfillment of these permits requirements, which is essentially an unknown right now.

Mr. Hooser: What was that?

Mr. Dill: It is essentially impossible to quantify right now. The ramifications are that significant.

Chair Furfaro: So this is what you are saying— when asking the question that I did about spending the twenty thousand dollars (\$20,000) to actually comply to the twenty thousand dollars (\$20,000) to legally fight it, you are telling me that the compliance might be five or six times more than what it is to raise the legal question?

Mr. Dill: It may be orders of magnitude and I am reluctant to put a number on it. I need my attorney to tell me whether we need to go into Executive Session.

Chair Furfaro: You answered it. You said you are reluctant. Mr. Hooser had a follow-up question.

Mr. Hooser: I guess I have two questions. One would be the ultimate cost of the Contested Case? Is it going to go for years or be hundreds of thousands of dollars to go through a Court case? That would be one question. Second, how do we, as a Council, hear of the premise of the Health Department's argument?

Ms. Sayegusa: It seems at this point, those are very detailed questions and we can have that conversation in Executive Session.

Mr. Hooser: Okay. Thank you.

Chair Furfaro: Mr. Rapozo, you have the floor.

Mr. Rapozo: Thank you, Mr. Chair. How much is your estimate to complete the appeal process in Special Counsel fees?

Ms. Sayegusa: At this point, I do not know the end game will be and how much the total cost is. It depends on what will happen at the Contested Case Hearing. If it has to go further, then it might cost more.

Mr. Rapozo: But with your best estimate, is twenty thousand dollars (\$20,000) going to cover?

Ms. Sayegusa: Well, my intent is that it would be more of a resource. I would do as much as I can to minimize costs, but again, I am not sure how far that money will take us.

Mr. Rapozo: Okay. The NPDES Permits and Zone of Mixing Permits— are they not public record?

Ms. Sayegusa: Yes.

Mr. Rapozo: So why could you not tell us the difference between the two in open session if it is public?

Ms. Sayegusa: We can tell you what the permit says, but if it is becoming an analysis of what our chances are and what our claims are, and those type of things...

Mr. Rapozo: I think kind of in line with what the Chair and Mr. Hooser is saying is that you are saying that we do not know how much it is going to cost. It could be more than twenty thousand dollars (\$20,000), but the permits are public record. How much would it cost to comply with the new permit?

Mr. Dill: It is impossible to say at this time.

Mr. Rapozo: Okay, so what is the big difference between the old permit and the new permit? What condition... what are we contesting as far as the... the permits are in here as well?

Ms. Sayegusa: I have the permit here.

Mr. Rapozo: I will just take a moment to read this.
Thank you, Chair.

Chair Furfaro: Mr. Chock, and then Mr. Kagawa.

Mr. Chock: I have one follow-up question. You mentioned that the other Counties in a similar appeal. In terms of the timing and decision, are they in front of us or behind of us?

Ms. Sayegusa: Yes, we are the first. Our hearing date is November 24th to the 26th of 2014. I believe the next soonest is Honolulu's Contested Case involving their Kailua Plant and that is in March 16, 2015. Hilo is in January of 2015. We will be the first to go through the Contested Case process.

Mr. Chock: Okay. In terms of our own timeline in getting the permits, where does that sit? Can we wait longer? What are the implications that we are looking at?

Ms. Sayegusa: The permit requires a compliance schedule that has been set off and so the time is kind of ticking now.

Chair Furfaro: I am going to leave Mr. Kagawa with the floor, but I am going to tell you we are crossing into areas where I am hearing that it is contained confidentially in a document and so forth. I want to get to an Executive Session. I do not want to start any precedent over here that we would regret later. Mr. Kagawa, you have the floor.

Mr. Kagawa: My question does not put the County in a bad predicament. You said in the past that we did not discharge any effluent into the ocean?

Mr. Dill: No, we discharged on a regular basis.

Mr. Kagawa: What percentage goes into Wailua? Half?

Mr. Dill: I am sorry. I do not have the answer to your question.

- Mr. Kagawa: More than half goes into Wailua?
- Mr. Dill: I would I say more than half.
- Ms. Sayegusa: One (1) day per week, right?
- Mr. Dill: Yes. We do one (1) day per week minimum.
- Mr. Kagawa: We discharge a little bit of effluent one (1)
day a week.
- Mr. Dill: Yes, but sometimes it is more.
- Mr. Kagawa: Okay. What would trigger more?
- Mr. Dill: What would trigger more are the demands of
the golf course.
- Chair Furfaro: Rain would trigger more. If it rains, the golf
course does not need water and you discharge more into the ocean. Am I right?
- Mr. Dill: Yes. They have their own brackish water
irrigation wells at the golf course, so we are irrigating the golf course, but those cost
to (inaudible) the pumps. It helps the golf course to use our effluent from the
wastewater plant.
- Mr. Kagawa: Okay. I am going to ask a "far out question,"
so do not laugh. Is anywhere in the Country effluent used for farming?
- Mr. Dill: Yes, on Kaua'i.
- Mr. Kagawa: On Kaua'i, they use effluent?
- Mr. Dill: Yes.
- Mr. Kagawa: It is not a stupid question. Where?
- Mr. Dill: On the west side from our Waimea
Wastewater Treatment Plant close to the seed corn companies.
- Mr. Kagawa: Thank you.
- Chair Furfaro: I think you folks heard me. I would like us
to continue this in Executive Session.
- Mr. Rapozo: I have one question and it is more like a
process question. We talked about the form that we were going to implement
regarding the estimates and costs, but I do not see that attached anywhere.
- Chair Furfaro: No, it will appear when the County Attorney
discussion comes up at budget this week.
- Mr. Rapozo: Okay. We are not using that right now?

Chair Furfaro: No. I want to get their buy-in and I plan to do that in the budget discussion.

Mr. Rapozo: Okay. I get nervous with these open ended requests. I do not know how much this is going to cost.

Chair Furfaro: I understand.

Mr. Rapozo: Okay. Thank you.

Chair Furfaro: Larry, there will be a later bus for you to go home.

Mr. Dill: I drove today.

Chair Furfaro: Okay. We have a process here that we are in a continuation with the Special Counsel from last week. I want to go in to that, but I think I want to go right into Executive Session on this item. Maybe I should have the County Attorney come up and read the item to us.

There being no objections, the meeting was called back to order, and proceeded as follows:

Ms. Fountain-Tanigawa: Chair, did you want to finish the Committee Reports and Resolutions?

Chair Furfaro: I have already pushed back the Special Counsel half an hour as it is. How long do you think it would take, Jade?

Ms. Fountain-Tanigawa: Not more than five (5) minutes.

Chair Furfaro: Okay. Let us do it. Mr. Kagawa, do you have a question first?

Mr. Kagawa: I was going to say that I think the rest of the agenda is pretty much clear. If we just knock it off, we can let her go and just battle it out in Executive Session and go home when we get tired.

Chair Furfaro: She cannot leave because we have come out on an item and vote. You are right—the ball is in deep corner of right field if we can get there.

Mr. Kagawa: Okay. Thank you.

Chair Furfaro: Let us finish up the agenda.

Ms. Fountain-Tanigawa: Sure.

COMMITTEE REPORTS:

PLANNING COMMITTEE:

A report (No. CR-PL 2014-01) submitted by the Planning Committee, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2461 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Amendments to the Shoreline Setback Ordinance*),”

Mr. Kagawa moved for approval of the report, seconded by Ms. Yukimura, and unanimously carried*.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Bynum was not present but shall be recorded as an affirmative for the motion.)*

A report (No. CR-PL 2014-02) submitted by the Planning Committee, recommending that the following be Received for the Record:

“PL 2014-01 Communication (03/10/2014) from the Director of Planning, requesting agenda time on behalf of the Public Access, Open Space, and Natural Resources Preservation Fund Commission to present its 2013 Biennial Report,”

Mr. Kagawa moved for approval of the report, seconded by Ms. Yukimura, and unanimously carried*.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Bynum was not present but shall be recorded as an affirmative for the motion.)*

FINANCE & ECONOMIC DEVELOPMENT (TOURISM / VISITOR INDUSTRY / SMALL BUSINESS DEVELOPMENT / SPORTS & RECREATION DEVELOPMENT / OTHER ECONOMIC DEVELOPMENT AREAS) COMMITTEE:

A report (No. CR-FED 2014-19) submitted by the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2531 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of the County Attorney, Consultant Services/Special Counsel - \$500,000*),”

Ms. Yukimura moved for approval of the report, seconded by Mr. Chock, and unanimously carried*.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Bynum was not present but shall be recorded as an affirmative for the motion.)*

A report (No. CR-FED 2014-20) submitted by the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, recommending that the following be Received for the Record:

“FED 2014-01 Communication (03/18/2014) from Council Chair Furfaro, requesting the presence of the Director of Economic Development, to discuss the 2014 Hawai'i Tourism Authority (HTA) Spring Marketing Update,”

Ms. Yukimura moved for approval of the report, seconded by Mr. Chock, and unanimously carried*.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Bynum was not present but shall be recorded as an affirmative for the motion.)*

RESOLUTIONS:

Resolution No. 2014-12 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Nancy P. Golden*): Ms. Yukimura moved for adoption of Resolution No. 2014-12, seconded by Mr. Kagawa, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 7*,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Bynum was not present but shall be recorded as an affirmative for the motion.)*

Resolution No. 2014-13 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Paul N. Endo*): Ms. Yukimura moved for adoption of Resolution No. 2014-13, seconded by Mr. Chock, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 7*,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Bynum was not present but shall be recorded as an affirmative for the motion.)*

Resolution No. 2014-20 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Sean M. Mahoney – Labor*): Ms. Yukimura moved for adoption of Resolution No. 2014-20, seconded by Mr. Kagawa, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 7*,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Bynum was not present but shall be recorded as an affirmative for the motion.)*

Resolution No. 2014-21 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Elizabeth Hahn*): Ms. Yukimura moved for adoption of Resolution No. 2014-21, seconded by Mr. Rapozo, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 7*,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Bynum was not present but shall be recorded as an affirmative for the motion.)*

Resolution No. 2014-22 – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO THE CODE OF ETHICS: Mr. Kagawa moved that Resolution No. 2014-22 be ordered to print, that a public hearing be scheduled for May 14, 2014 and that it thereafter be referred to the May 28, 2014 Council Meeting, seconded by Mr. Rapozo.

Chair Furfaro: JoAnn, you have the floor.

Ms. Yukimura: I am introducing this Resolution and it is out of the problem we ran into when we were in the process of confirming Brandon Shimokawa for the Cost Control Commission. He seemed to be a highly qualified candidate, but we could not really consummate the appointment because of this provision in the Charter, which does not seem to really have any legitimate reason. Wrong one? Yes— I am sorry.

Chair Furfaro: Okay, rewind.

Ms. Yukimura: Yes, delete. Thank you.

The motion that Resolution No. 2014-22 be ordered to print, that a public hearing be scheduled for May 14, 2014 and that it thereafter be referred to the May 28, 2014 Council Meeting was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 7*,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Bynum was not present but shall be recorded as an affirmative for the motion.)*

Resolution No. 2014-23 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Jean A. Iida*): Ms. Yukimura moved for adoption of Resolution No. 2014-23, seconded by Mr. Chock, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 7*,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Bynum was not present but shall be recorded as an affirmative for the motion.)*

Resolution No. 2014-24 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*Ryan M. de la Pena*): Ms. Yukimura moved for adoption of Resolution No. 2014-24, seconded by Mr. Rapozo, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 7*,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Bynum was not present but shall be recorded as an affirmative for the motion.)*

Resolution No. 2014-25 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BUILDING BOARD OF APPEALS (*Patrick D. Lizama – Fire Safety*): Ms. Yukimura moved for adoption of Resolution No. 2014-25, seconded by Mr. Kagawa.

Chair Furfaro: Mr. Kagawa, you have the floor.

Mr. Kagawa: Today is a great day for our Boards & Commissions. I think we have some great candidates, so thank you, Paula and all of those who volunteered for the Boards.

Chair Furfaro: Further discussion? If not, may I have a roll call please?

The motion to adopt Resolution No. 2014-25 was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 7*,
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AGAINST ADOPTION: None
EXCUSED & NOT VOTING: None
RECUSED & NOT VOTING: None

TOTAL – 0,
TOTAL – 0,
TOTAL – 0.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Bynum was not present but shall be recorded as an affirmative for the motion.)*

BILLS FOR SECOND READING:

Bill No. 2531 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of the County Attorney, Consultant Services/Special Counsel - \$500,000*): Ms. Yukimura moved to adopt Bill No. 2531 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Mr. Kagawa.

Chair Furfaro:

Discussion?

Mr. Rapozo: We are going to go into Executive Session for a briefing on this and I do not understand why we need to go into Executive Session.

Chair Furfaro: Okay, we are going to do ES-716 first, and then come back. I need to get the Executive Sessions read first. We did do a posting earlier for our reconvening, right?

Ms. Fountain-Tanigawa: Yes.

Chair Furfaro: Let us do the other readings at the same time.

Ms. Fountain-Tanigawa: Okay. We have two Executive Sessions, ES-715 regarding the NPDES Permit and ES-716.

Chair Furfaro: Okay. Can I have the County Attorney up for ES-715 and ES-716?

There being no objections, the rules were suspended.

MAUNA KEA TRASK, First Deputy County Attorney: Honorable Chair and Councilmembers. For the record, First Deputy County Attorney Mauna Kea Trask. I will read you the Executive Sessions as posted.

EXECUTIVE SESSION:

ES-715 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Section 3.07(E) of the Kaua'i County Charter, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on the retention of Special Counsel to represent the County of Kaua'i in In Re Application of County of Kaua'i for a Contested Case Hearing, regarding National Pollutant Discharge Elimination System (NPDES)

Permit No. HI 0020257 and Zone of Mixing Permit No. ZM-30 for the Wailua Wastewater Treatment Plant located in Wailua, County of Kaua'i, State of Hawai'i, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-716 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session with the Council to provide the Council with a briefing on the information contained in the Confidential Attorney-Client communications related to Bill No. 2531. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

Chair Furfaro: Thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

Ms. Yukimura moved to convene in Executive Session for ES-715 and ES-716, seconded by Mr. Chock.

Chair Furfaro: Is there any discussion?

Mr. Hooser: Just very briefly. We had a lot of discussion on this earlier and at some point, I would like to have the Council briefed by the Water Quality people outside of the County that would make sure that we get a clear understanding of the impacts of this permit on water quality, near shore waters, fish life, and that kind of thing so we can properly make a decision while balancing the costs and benefit overall.

Chair Furfaro: Okay. If I am talking in terms of water quality people, would it be from the State or would it be someone like Aqua Engineers?

Mr. Hooser: We could give it some thought. It could be Aqua Engineers, the Surfrider Foundation, Carl Berg, or other people in our community who may or may not be aware what we are doing.

Chair Furfaro: Understood. Yet to be determined, but I just want to get some clarification.

Mr. Hooser: Yes. Thank you.

Chair Furfaro: Okay. I would like to have a roll call vote on this please.

The motion to convene in Executive Session for ES-715 and ES-716 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Bynum, Chock, Hooser, Kagawa,	TOTAL – 7*,
	Rapoza, Yukimura, Furfaro	
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,

EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Bynum was not present but shall be recorded as an affirmative for the motion.)*

Chair Furfaro: Thank you. For the record, we will go back into session for ES-703, which was posted as a continuation, as well. We are going into Executive Session.

There being no objections, the meeting recessed at 3:43 p.m.

The meeting reconvened at 6:13 p.m., and proceeded as follows:

(Mr. Kagawa was noted as not present in the meeting.)

Chair Furfaro: We are back from Executive Session and I am going to ask the Clerk to revisit the two (2) items that we need to vote on out here in public. Please read the items.

Ms. Fountain-Tanigawa: This brings us to page number four.

C 2014-111 Communication (03/28/2014) from the County Attorney, requesting Council authorization to expend funds up to \$20,000 to retain Special Counsel to represent the County of Kauaʻi in In Re Application of County of Kauaʻi for a Contested Case Hearing, regarding National Pollutant Discharge Elimination System (NPDES) Permit No. HI 0020257 and Zone of Mixing Permit No. ZM-30 for the Wailua Wastewater Treatment Plant located in Wailua, County of Kauaʻi, State of Hawaiʻi, and related matters: Mr. Rapozo moved to approve C 2014-111, seconded by Ms. Yukimura.

Chair Furfaro: I have a motion to and a second. Any discussion? If not, roll call, please.

The motion to approve C 2014-111 was then put, and carried by the following vote:

FOR APPROVAL:	Bynum, Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 7*,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Bynum and Councilmember Kagawa were not present but shall be recorded as an affirmative for the motion.)*

Ms. Fountain-Tanigawa: Chair, the last item is Bill No. 2531 on the bottom of page 7.

BILL FOR SECOND READING:

Bill No. 2531 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of the County Attorney, Consultant Services/Special Counsel - \$500,000*): Ms. Yukimura moved to adopt Bill No. 2531 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Mr. Chock.

Chair Furfaro: Any further discussion?

Mr. Rapozo: I have some discussion, Mr. Chair.

Chair Furfaro: Go right ahead.

Mr. Rapozo: I have been struggling with this for several weeks now, and I appreciate Mauna Kea coming up and addressing us in Executive Session. It still does not change my position and I will give you an example. This comes to mind when you took over as Chair and you set up our Council budget and the travel budget. You allocated “x” amount of dollars to each Councilmember and you used that. Basically, you said to get moneys from another Councilmember. If you want to travel and go to conferences and workshops, then everybody gets allocated “x” amount of dollars and if you want to go beyond what you are allocated, it is up to you to go and ask another Councilmember, which I believe was fiscally responsible. So, the onerous is on me if I wanted to go beyond what was allocated, I have to go ask Mason or JoAnn or Gary or you, for your funds, but it held me accountable to my travel budget. It held me accountable that if I had gone on too many trips that we would not just come up and pass a Money Bill because I wanted to go on extra trips. That is the point that I am trying to get across, is that somebody needs to be held accountable when the spending goes beyond the budget. I understand that maybe it was improperly submitted, maybe it was submitted short, but that is not the taxpayers’ fault. That is not our fault. That was what was submitted with a lot of assurances from the County Attorney’s Office that they were going to change the direction. They were going to utilize Special Counsel in a training mode, that they were going to train our attorneys in-house so we would be doing more of the litigation so we would not be spending Special Counsel funds, and that never occurred. So, in fact, we are spending more on Special Counsel.

As I sit here today, and I have been contemplating this for the last few days as to how do we get the moneys to the County Attorney’s Office that they need to pay their bills? Like we do here at the Council, the Administration needs to go find the money within the Administration. In other words, the Administration now has to go to the different Departments and if they County Attorney does not have any extra funds, then find some funds that are not going to be used by the end of the fiscal year and transfer those funds, and the Mayor can do that with Council approval, to meet the needs of the County Attorney rather than just go to the people again and say we are just going to pass a Money Bill and utilize reserve money. It could be some of you may think it is the same thing, the net result is the same, and that is true, but it brings some accountability back to the Administration where now if somebody overspends their budget and we are to the point now we have to go pass a Money Bill to pay bills that we owe, that is not fiscally responsible. The management is not there. Again, and this is not for you, Mauna Kea, because you

unfortunately just got promoted to this, you inherited this. My battle with this is that at some point, we have to send a message to the Administration saying, "You have to work with what you have" and I know that throughout the County, throughout all of the Departments, I am sure the Mayor can find five hundred thousand dollars (\$500,000) to transfer into the County Attorney's Office. Is that going to make the other Department Heads happy? Absolutely not, but that is an administrative issue and that is not the general public issue. I mean, the reserves that we have that we keep tapping for various purposes, that should be used to help us next year if there is any leftover, not to be just as a check. Here you go, here you go County Attorney. I mean, we know you did not manage your contracts properly, we know you were not very efficient, but here you go. We will bail you out this time and hopefully you do better next year. I think that the message has to be sent over that hey, when you are running short...I mean, not long ago, it was long ago, but we had the whole debacle with the Police Department whether the Chief at the time spent every single penny and more. In fact, which led to the cancellation of his employment contract because of that and I think that well, we have to send that message, that you have to pace yourself. You have to understand where you are coming from and at some point, when you are getting close, you have to come either to the Mayor or to us. I am going to vote no. I do not know where it is going to go. I tell you I would support the transfer from other Departments because then I feel like we are holding the Administration accountable to the expenditures. Thank you.

Chair Furfaro: I am going to say something here. When it comes to these items, and I know you as my colleagues here at the table know that since September I have been trying to show a format to the Administration that well, I am not the keeper of the County Attorney's operating costs. I am not the keeper of anybody's budget, except the Council's, but I have to tell you one of the things that I feel was more difficult for me, and I think it was perhaps left out of Mr. Rapozo's explanation, is the fact that I put a bullet point up on the screen not too long ago for you folks and I showed that consistently we have been spending about one million dollars (\$1,000,000) a year on Special Counsel. I have said time and time again to people here that you need to give us a number that is correct and to the best of your ability, a number that you can live with, not over promise and under deliver. So, what we have is the over promise was they cut their budget by five hundred thousand dollars (\$500,000). The over promise is also based on the fact that they did not reduce using Special Counsel. It is kind of like getting into a car race and only filling your car for a cross Country race, with only half a tank in knowing you could not finish the race. So, that is a very, very unfortunate situation for the County Attorney's Office. I have pointed that out to them and I have sent them some recommended suggestions to improve that, both in September and again in February, but I do think as this is a Money Bill, how many votes will we need, Jade?

Ms. Fountain-Tanigawa: Four (4) votes in favor.

Chair Furfaro: I wanted to reconfirm. I want to make sure with my other four (4) colleagues, that we realize that if four (4) of us support his, you got a buzz cut. You can come up, Mauna Kea, but I am sure anything you offer with me, I am going to continue to give some commentary because it is going to take four (4) of us to get this money through.

There being no objections, the rules were suspended.

Mr. Trask: Yes, Chair.

Chair Furfaro: You have comments for that I am sharing with you?

Mr. Trask: I just wanted to make one comment and I will be brief. I just want to say that you said if you get four (4) people, we get a buzz cut, but I just want to make the commitment to you irrespective of how the votes goes today. I mean, it is clear that is what you folks do here. You vote up or down. That is your *kuleana*. I am going to take responsibility. Mel wants someone to take responsibility. I am happy to take responsibility and we will do that irrespective of what happens today. That is what I want to do.

Chair Furfaro: And you do know that when we have to continue with our budgets, I am going to be making a presentation that would show how we expect you folks to manage your budget in a most informative way to the Council, but the bottom line here too, is the fact that even the Administration needs to realize you cannot just cut the budget and not deliver on what those promises were about living within their budget. That point had to be made as well, but you might get a buzz cut and that is only based on the fact that you get four (4) votes and we can improve on this. If you only get three (3) votes, you are out looking for other money.

Mr. Trask: I appreciate your assistance and I am going to ask you all to help both, myself and my office, going forward to improve the office's operations as it relates to Special Counsel and litigation, recognizing full well, the majority of you have been on this Council and have been working this area longer then I have been practicing. I am going to need your help in order to make this work. Thank you.

Chair Furfaro: Well, I would also like to ask you something. When I send over suggestions on September 6th of last year, make it very clear, I do not like being ignored. I do not think as a Chairman of the County of Kaua'i, that suggestions are not taken serious, and I do not like being ignored. Thank you, Mauna Kea.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Anybody else want the floor? Mr. Hooser.

Mr. Hooser: Yes, thank you, Chair. I support the comments that you made and I was going to make similar comments in terms of the budget and how grossly under budgeted it was. Looking at the list of cases, I am sure there are a few new ones, some smaller amounts, but it was just lawfully under budget, knowingly under budget, and now we are here taking money out of reserves, if you would, to fund that. I support what Councilmember Rapozo was saying also and I think from day one when I was elected to this Council, we have had these conversations every time we go into Executive Session in terms of accountability for money. It just reflects on the leadership of not just the County Attorney's Office quite frankly, but of the Administration because they are the ones in charge of appointing the County Attorney. I appreciate the First Deputy's comments in taking responsibility, but I do not think he should have to fall on the sword for his boss who is ultimately responsible, even though I appreciate his sentiments and his willingness to do so. I do not know if just saying "Yes, yes, yes"

and giving long speeches every couple of weeks is really going to accomplish anything different. We have heard promises and we are hearing more today. Again, this is directed at the County Attorney, not the First Deputy. What are we supposed to do? Just keep believing that the ball is not going to be moved again? "Trust me, Charlie Brown, I am not going to move the ball." I am not sure how I am going to vote today. I would prefer that the Administration go find that money somewhere else also. If that is an option available to them, and I believe it is, I am not saying it is an easy option, but I believe it is an option, then perhaps that is the hard lesson and the hard message that this body needs to send, and not just another admonishment. I am not quite sure, but I am very unhappy with the service that we have been getting on many levels from the County Attorney's Office. Thank you.

Chair Furfaro: I do want to say, Mr. Hooser, I would hope that my comment about the buzz cut would find you perhaps voting silent, then it may go with the majority, but I too, I am at a point now that unless they comply to my special request that I have sent twice since September, the next time around, I could find myself saying, "Not again." If you could consider a silent vote and it might go with the majority, I would appreciate it. We have four (4) months left here and everything is pretty tight.

Mr. Hooser: Real briefly, and I appreciate your sentiments. I truly do. Four (4) months is too long to keep putting up with the same level of service that we are getting right now, in my opinion. In my opinion, the people of this County are suffering both financially as well as legal exposure and that we need to send a message, but I understand your sentiment today.

Chair Furfaro: I am only asking you for some courtesy, at the same time, I am basically saying I could be joining you in the canoe next time around.

Mr. Hooser: Thank you.

Chair Furfaro: Mr. Chock.

Mr. Chock: Thank you, Chair. I want to thank Mauna Kea for being willing to take the brunt of it. It has been just a week of two (2) since you have kind of stepped into your new role. There are steps that are being taken and I think that you are open and willing to move towards that direction. My hope is that we continue down that road and build some capacity and competency in terms of service because I mean, in the short time that I have been here, I am also unhappy with the progress and the lack of communication and process. I would say that in terms of the budget, it is apparent from what I have seen that the County Attorney's Office is not the only Department that has short-funded their budget here and has come back. Maybe a bit more has happened in your office, but I think that I am going to air on the side of a practical decision to pay our bills. However, I think the idea that Councilmember Rapozo brings to light is a really good idea and I would support, I think I would support, looking at making this more of a formal request and to put it into practice about finding the money on your own. If you are saying you cannot come up with it or you do not have enough, then that is what I have to do in my household when I do cannot make the bills. It is just about good accounting and good management. So, maybe that is something that we can look at right away. It may be very well that we have to. We have four (4) more months, but I will be voting in favor of passing this. Thank you.

Chair Furfaro:

JoAnn, did you want to speak?

Ms. Yukimura: I am going to vote yes tonight because I think we have to pay our bills. It does not mean that I am happy with the way that we have been presented with the issues or with the way that our Special Counsel has been manage, but I think that there will always be some Special Counsel bills. I think that is a tool we need to know how to use well because even if there is a Litigation Team, which I guess we will hear about when the County Attorney comes before us in budget hearings, there is no way we can have the specialized expertise in every area. So, there would be some places where it is proper to have Special Counsel, but how they are managed and how they are procured, that is really critical in terms of the County Attorney's role and I think we need to look closely at that. I think right now given where we are, we have a responsibility to pay our bills and in many of the cases where we have some obligations, it is not the Special Counsel's fault. They have done the work and we have to pay for that.

Chair Furfaro:

Okay. Well, Mr. Rapozo.

Mr. Rapozo: I feel compelled to respond only because I do not think that my position is not practical. I think that this is not the first time that we have been here. This is not the first time we have voiced our concerns about the management of the County Attorney's Office. Many times it happened behind that door, but nonetheless. I mean, the fact that we owe the money, I agree. I believe we owe the money, but I also agree that the transfers from external Departments would not take that long. I mean, the bills will be paid. The new budget coming up, the County Attorney submitted after all the discussion we have had over the last several months, I mean, it is not secret that it should be about one million dollars (\$1,000,000) a year, but the submitted budget shows an amount of six hundred fifty thousand dollars (\$650,000). That is short. It also shows a Litigation Team of two (2) attorneys, one (1) being dollar-funded. So, the intent at this point, is to just fund one (1) attorney for the Litigation Team. I do not know how you...it is like forming a football team with one (1) player. You cannot. It is not a team if you only have one. I am not saying the intentions are not good. I am just saying, I am a realist and I am a practical person, and until we send a message, this is just not going to change. You may all believe it will and when I hear that the Chair, who I believe is experience in corporate America, he is budgeting, and it is very evident when we discuss items on this table that this level of expertise in budget and finance far supersedes or exceeds any one of us. I am not ashamed to say that. I think that is just the way it is. I would ask this of the Chair, I am not going to ask him because I do not want to put him on the spot, but what if this was his hotel? You do not have to answer, Chair, because I know what the answer would be.

Chair Furfaro:

No, I am prepared to answer that.

Mr. Rapozo: I mean, if this was one of the hotels that he was the General Manger of. This would not be happening. Fortunately, as the General Manager of the hotel he does not have to get four (4) out of seven (7) votes. He does not have to deal with the political backlash, if you will. I mean, he makes the decision based on what is right for the hotel. That is all I am trying to do. I am trying to make a decision what is right for this County and I am not going to babysit nobody. I am not going to sugar coat anything. It is what it is. Every time you spoil your kid, they kid continues to do what they do. This is what I view this as.

This is an opportunity for us to say, hey, we know, and Mauna Kea, you did a great job today. I mean, really, you almost changed my vote, but it fell short because I have been told that before. I have been promised before. I have been told all kinds of things. You folks are losing attorneys now. You folks are losing attorneys. I have not heard the big scuttle about your attorneys leaving, but is it an exodus? Is it people just fed up of working? I do not know, but we are hurting in the County Attorney's Office. That leads me to my point of just the leadership is absent and it is unfortunate. It is unfortunate because, I mean, we were told that this County Attorney's Office was going to, and if it means anything Mauna Kea, we are told every time we get a new County Attorney. It is interesting. I have been through enough of them. Chair, you can attest to this. Every time we get a new County Attorney, we get told the same thing. We are going to run this Agency or this Department like a real law firm. We are going to run this like you are our clients and we are going to... and that absolutely has not happened. Absolutely, has not happened. So, I respect the votes of my colleagues, but I simply cannot, in my good conscience, continue to fund an inefficient Department and yet, there is another mechanism that we could use. If this was the last opportunity and we did not have the time, I would maybe have to probably go on a silent vote, but in this case, I believe, that if tomorrow morning the Mayor looked around his budget and got the money. He would not be happy, but then he can deal with his attorney. He can deal with the attorney that he appointed. That is the accountability that I am looking for versus just run to Council, get a Money Bill, get them up there so that their back is against the wall so they do not have a choice, and they have to vote yes. That is the kind of feeling I got. It is probably inaccurate, but that I just my perception. Thank you.

Chair Furfaro:

JoAnn, did you want to speak again?

Ms. Yukimura: Just a clarification. The Mayor cannot transfer money from anywhere in the County, but within his office and...

Mr. Rapozo:

No.

Ms. Yukimura: transfer between Departments.

I mean, we need an Appropriation Bill to

Mr. Rapozo: I think you did not... Mr. Chair, may I respond just real quickly? I think maybe you did not hear what I said earlier.

Ms. Yukimura:

Maybe.

Mr. Rapozo: I said I would support the moneys if it came from transfer that the Mayor made from other Departments.

Ms. Yukimura:

I see.

Mr. Rapozo: It would still have to come here, but you would get my vote.

Ms. Yukimura:

Have to come through an Appropriation Bill.

Mr. Rapozo:

Yes.

Ms. Yukimura:

Okay.

Mr. Rapozo: Nobody can transfer any money outside of their Department, but I am saying that it would be here, but the difference would be the transfer would not be from our surplus or General Fund, it would be from a Department. That way, somebody is being held accountable and that is the only way you could get my support.

Ms. Yukimura:

I see. Thank you.

Chair Furfaro: Okay. So, it is my turn to speak. I would like to answer Mr. Rapozo's questions. As a Senior Manager, my message is simply this, my patience has run out. The next step is maybe, there is no need for patience any more. I want to also say that in a corporation, and this is a corporation, the bills you incurred have to be paid. Then, to add to that, I would like to say, I feel it very difficult. Five hundred thousand dollars (\$500,000) is a substantial amount of money. It is like me saying, "Okay, use the rest of my travel budget." Two thousand seven hundred dollars (\$2,700) is not going to get half of what you want even if we drained all of the County Council's accounts to try and help with this. The bills have to be paid and the consequences are simply some progressive understanding here. We cannot go on like this. We just cannot. At the end of the day, I do not want other Departments, maybe for five hundred thousand dollars (\$500,000) to find themselves suffering on their performance because money had to be taken away from them. So, I hope that satisfies you, Mr. Rapozo, on how I feel about it. We have to start out in the beginning with budgets that are realistic, that maybe they have a little reach in them, but cut the budget in half, that is not a little reach. That is substantial. I will be supporting this and I will call for a vote now. Let us have a roll call vote, please.

The motion to adopt Bill No. 2531 on second and final reading, and that it be transmitted to the Mayor for his approval, was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Hooser, Kagawa, Yukimura,	
	Furfaro	TOTAL - *6,
AGAINST ADOPTION:	Rapozo	TOTAL - 1,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

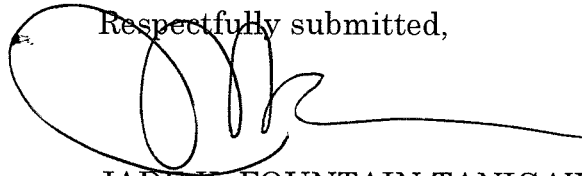
*(*Pursuant to Council Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Hooser is noted as voting silent; Councilmember Bynum and Councilmember Kagawa were not present, but shall be recorded as an affirmative for the motion.)*

Chair Furfaro:
day.

On that note, our business is done for the

ADJOURNMENT.

There being no further business, the Special Council Meeting adjourned at 6:41 a.m.

Respectfully submitted,


JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk

:cy:aa